



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION I
JOHN W. MCCORMACK POST OFFICE AND COURTHOUSE, ROOM 701
POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02199-4557

SEP 26 2003

Dr. Ann Weaver Hart
President
University of New Hampshire
Thompson Hall
105 Main Street
Durham, New Hampshire 03824

Re: Compliance Review No. 01-01-6000

Dear Dr. Hart:

In a letter dated April 9, 2001, U.S. Department of Education, Office for Civil Rights (OCR) informed then-President Joan Leitzel that we would be initiating a compliance review of the University of New Hampshire (University) pursuant to Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations found at 34 C.F.R. Section 106.8(a) and (b) and 34 C.F.R. Section 106.9. The review focused on the University's response to sexual harassment complaints, what actions the University takes to prevent harassment on campus, and whether a campus environment exists that is hostile to students based on their sex. We are writing to inform you that OCR has completed the investigation phase of this review, and we will now commence monitoring and other follow-up activities.

OCR initiated this review as part of our enforcement responsibility under Title IX. Postsecondary institutions are selected for sexual harassment compliance reviews based on a variety of neutral criteria, such as the male-female ratio of the University's population, data from Federal, state and local sources, geographic location, and related information such as a review of the University's sexual harassment policies and procedures. No complaint was filed with our office that prompted this review.

On May 22, 2001, OCR staff met with President Leitzel and other University representatives to discuss the review process. In that meeting, we explained that compliance reviews could range from traditional comprehensive investigations with formal findings to a collaborative approach in which OCR works with the University to achieve voluntary resolution of issues arising out of the review process. Demonstrating the University's willingness to proactively address areas of concern with regard to Title IX, President Leitzel appointed Pat Gormley, Special Assistant to the President (Title IX Coordinator), as OCR's liaison. We have welcomed the cooperative approach the University has embraced during this review. Many individuals on your staff dedicated significant time and resources to help both the University and OCR reach the most productive outcome possible, and we wish to acknowledge their efforts.

During OCR's on-site visits to the University, representatives from our office met with a broad range of groups on campus including a cross section of administrators, faculty, staff and students. We attended student and employee orientations, presentations, and discussions on campus. The University community also participated in focus groups, some targeted at specific student populations and others open to all students. We also conducted individual interviews with students who preferred this method of interview. In addition, we interviewed administrators, professors and staff, including the Title IX Coordinator, the Director of Judicial Programs, the Director of the Sexual Harassment, Assault, Rape & Prevention Program (SHARPP), the Director and Associate Director of Student Life, the Residential Life Director, the Greek Affairs Coordinator, the University Chief of Police, Dean of Students, Counseling Center staff, Associate Director of Health Services and the Coordinator of the President's Commission on the Status of Women.

OCR also reviewed the grievance files from the Affirmative Action Office and Judicial Programs Office. In addition, OCR reviewed data submitted by the University, including alcohol, tobacco and drug surveys, assessments regarding the campus climate for women, task force/commission reports on sexual assault and the status of women, policies and procedures, and outreach material, including the student handbook.

In May 2002, representatives from the University and OCR met to discuss information obtained over the course of the review. During this meeting, OCR raised a number of concerns that arose from the interviews, focus groups, file reviews and the University's policies and procedures used for addressing sexual harassment. One matter discussed in particular was a compliance concern for OCR under its Title IX regulations and policies relating to sexual harassment. The University's sexual harassment policies and procedures did not provide for an independent investigation of sexual harassment complaints by the University where a student is the alleged perpetrator. Instead, these policies and procedures placed the responsibility for investigating and proving the harassment allegations on the student complaining about sexual harassment. Under Title IX, the University is obligated to investigate complaints of sexual harassment and to take other necessary and appropriate actions to remedy any harassment determined to have occurred.

Subsequently, OCR and the Title IX Coordinator held several conference calls to discuss and review the areas of concern. Drawing upon information from the focus groups, file reviews, interviews, existing data, and professional and personal experience, the University developed a final letter of commitment addressing the various areas of concern.

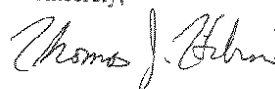
On June 4, 2003, we received the University's letter of commitment from you. The letter, a copy of which is enclosed with this letter, not only addresses the compliance concerns identified by OCR but also identifies a broad range of other activities and initiatives that the University has undertaken or plans to undertake to improve the climate for women at the University. The number and scope of these activities are quite impressive, and we want to commend the University for the proactive way it has approached the problem of sexual harassment on campus.

Based on the commitment letter, we are closing the investigation phase of this review as of the date of this letter. Consistent with our general practice, we will begin formal monitoring of the University's efforts to revise its sexual harassment policies and procedures to address OCR's compliance concerns. We also look forward to our continuing our collaboration with the University with regard to the many other activities identified in the commitment letter.

Finally, let me mention that under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

We want to thank you and your staff, particularly Pat Gormley and Anne Lawing, for their efforts. We wish the University every success in implementing the commitments. Should you have any questions or comments, please contact me at (617) 223-9667 or Mr. Michael Burns, Program/Legal Coordinator at (617) 223-4146.

Sincerely,



Thomas J. Hibino
Regional Director

Enclosures