

PROVIDENCE COLLEGE



OFFICE OF GENERAL COUNSEL

U.S. OFFICE OF EDUCATION
JAN 15 11 15 AM '02

January 11, 2002

E. Selena Samm, Esq.
U. S. Department of Education
Office of Civil Rights
J. W. McCormack Post Office and
Courthouse, Room 707
Boston, MA 02109

Dear Ms. Samm:

Let me begin by apologizing for any delay in my sending this letter. A confluence of circumstances, both professional and personal, prevented me from getting it out sooner.

Initially, please allow me to take a moment to thank you and your team for what I consider to be an extremely successful, collaborative effort between the Department of Education's Office of Civil Rights and Providence college.

You and all of your team members were informed, professional, and congenial. We were particularly impressed and pleased with the intellectual exchange of ideas that resulted from our meetings.

We were also grateful for your sensitivity and kindness to us during the aftermath of the September 11th tragedy.

As Philip A. Smith, O.P., President of the College indicated at our initial meeting on April 9, 2001, the College's mission, independent of any Federal regulation dictates that we have no tolerance for sexual harassment. The College, long before the Office of Civil Rights visit, has taken positive steps to make sure that sexual harassment issues are addressed swiftly and decisively. We are proud of these efforts but we always are willing to learn and incorporate "best practice" to make our efforts even better.

As we discussed, prior to your visit, the College has undertaken an ongoing review and revision of the College's existing sexual harassment policy and procedures. This review is consistent with the recent Supreme Court cases of Faragher and Gebser.

E. Selena Samm, Esq.

Page 2

January 11, 2002

We believe that our existing policy, which is widely promulgated throughout the College, is adequate; but we agree with you that it should be revised and updated. This task will be completed prior to March 31, 2002. The suggestions you made have been incorporated into the revision.

The revised policy, that will contain the appropriate complaint procedure, will be widely disseminated on campus. This dissemination will be accomplished through several different methods. Father Smith will send the policy to all faculty, staff, and students by e-mail, voice mail, and regular campus mail. The revised policy will be posted on the College web page, posted in highly traveled areas of the College, and College Human Resources boards.

As to the timing of dissemination, at present, I will post the policy on the web page and in highly traveled areas in March. The notice will be sent to everyone in the College community at the beginning of the Fall 2002 semester through the mail system.

One of our many conversations centered on the placement and content of the policy in the College Student Handbook.

I agree with you that the policy must be highlighted in the handbook in a more significant way. To that end, a new printing of the handbook will occur in early spring with the revisions we discussed regarding the sexual harassment policy incorporated therein.

I will furnish you with copies of these above captioned documents as soon as they are available.

You had an opportunity to meet with Gail Dyer, J.D., our sexual harassment officer. I know that she ably described to you her educational program regarding sexual harassment that is provided to faculty, staff, and students.

I will not go into all the details of the program here but, as you recall, it is mandatory and tailored to each of the individual constituencies. Role playing occurs as does discussion and question and answer opportunities. One aspect of this program is a presentation that Ms. Dyer makes at freshman orientation.

We will, as you suggested in one of our discussions, use that perfect opportunity to focus on the percentage of freshman female students who are, or feel harassed by male upperclassmen. At this early juncture, with special emphasis, we intend to inform freshmen specifically about the policy and the complaint filing procedures for sexual harassment.

In addition, you were informed during one of your visits that the College is in the process of converting Ms. Dyer's part-time position to a full-time administrative post. She will retain her duties as sexual harassment officer and will also assume other compliance responsibilities. These responsibilities will include becoming the Title IX Compliance Officer.

E. Selena Samm, Esq.

Page 3

January 11, 2002

This will enable me to bring all federal and state compliance responsibilities under the control and direction of the General Counsel's Office. Centralizing these responsibilities under the General Counsel's Office should result in more attention and high visibility to them. Ms. Dyer's move should be accomplished before the end of February 2002.

Our discussion regarding Take Back the Night was very productive. The College has made a significant effort to emphasize the importance of this program.

We talked about the College's concern that in the past, during Take Back the Night, some student bystanders behavior was inappropriate. Over the last several years heightened security provided by the College has eliminated most of this unacceptable behavior.

We also talked about the College's commitment to discipline any person who disrupts Take Back the Night by either word or deed. This is ongoing and a priority.

As we agreed, the College, prior to the next Take Back the Night, will reiterate its commitment to see that the program proceeds without incident. We will do this in our student newspaper, The Owl, through a message from the Vice President of Student Services.

My program of identifying areas on campus that need elevated scrutiny for safety purposes, i.e., enhanced lighting or more frequent security patrols is ongoing.

Suggestions made by students regarding lighting and removal of shrubbery have been implemented. This has resulted in student awareness of campus surroundings and periodic review by me.

When we embarked on the review of the College's sexual harassment policies and procedures, its environment vis-a-vis gender, and its prevention methods with your office, we didn't foresee that the review would be so informative nor did we anticipate that our working relationship would be so collegial and satisfactory.

I look forward to working with you during the monitoring stage and hope your new assignment in Washington goes well.

Thanking you again, I remain,

Very truly yours,



Marifrances McGinn
Vice President and General Counsel

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