



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
MIDWESTERN DIVISION, CHICAGO OFFICE

DEC 18 2006

Axel D. Steuer, Ph.D.
President
Illinois College
1101 West College Avenue
Jacksonville, Illinois 62650

Re: OCR Docket #05-06-2154

Dear Dr. Steuer:

This letter is to inform you of the disposition of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Illinois College (College) on July 31, 2006, which alleged discrimination on the basis of sex. Specifically, the complaint alleged that a student at the College (Student A) was subjected to sexual harassment by other students during the pledging period for a literary society in February 2006 and the College failed to respond adequately to Student A's reports of the sexual harassment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §1681, *et seq.* (Title IX), and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any educational program or activity receiving or benefiting from Federal financial assistance from the Department. The College is a recipient of Federal financial assistance from the Department and is, therefore, subject to the provisions of Title IX and its implementing regulation.

The Title IX implementing regulation at 34 C.F.R. § 106.31(a) provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity operated by a recipient receiving Federal financial assistance. Sexual harassment of a student can be discrimination in violation of Title IX. Sexual harassment is unwelcome conduct of a sexual nature that denies or limits, on the basis of sex, the student's ability to participate in, or to receive benefits, services or opportunities in, the recipient's program. Upon notice of possible sexual harassment of a student, a recipient is responsible for taking immediate and appropriate steps to investigate or otherwise determine what occurred and for taking prompt and effective steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent the harassment from recurring.


On November 17, 2006, the College's representative informed OCR that the College wants to resolve the complaint by conducting a thorough investigation of the allegation

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that Student A was subjected to sexual harassment on several occasions by members and/or pledges of the Sigma Phi Epsilon, Sigma Pi, and Phi Alpha literary societies. On December 12, 2006, the College voluntarily submitted the enclosed Settlement Agreement, which, once implemented, will resolve the complaint. OCR will monitor the College's implementation of the Settlement Agreement.

I would like to thank you and the College's representative, Mr. Thomas L. Veith, Attorney at Law, for the courtesy and cooperation extended to OCR in working toward the resolution of this matter. If you have any questions about this letter, please call Ms. Janet Bonem, Equal Opportunity Specialist, or me at (312) 886-8434.

Sincerely,


Jeffrey Turnbull
Team Leader

Enclosure

cc: Mr. Thomas L. Veith, Attorney at Law

Settlement Agreement (#05-06-2154)

In order to resolve OCR complaint #05-06-2154 and to ensure its compliance with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §1681, *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, Illinois College (College) commits to implementing this Settlement Agreement.

1. By February 9, 2007, the College will conduct a thorough and impartial investigation of the allegation that a student at the College (Student A) was subjected to sexual harassment on several occasions during the 2006 pledging season for the Sigma Phi Epsilon literary society by members and/or pledges of the Sigma Phi Epsilon, Sigma Pi, and Phi Alpha literary societies. The College will determine whether sexual harassment of Student A occurred and will provide written notice to Student A of its determination. In making this determination, the College will take into account the totality of the circumstances, including the incidents it previously investigated and determined constituted sexual harassment.
2. By February 23, 2007, if the College determines that sexual harassment occurred, the College will take reasonable, timely, age-appropriate and effective corrective actions, including actions to end the harassment, eliminate the hostile environment and prevent any recurrence of sexual harassment.
3. By February 23, 2007, the College will document to OCR that it has met the terms of items #1 and #2, including providing a copy of all documents related to its investigation of the allegations and a narrative statement describing the scope of the College's investigation, the basis for its determination of whether sexual harassment occurred and, if so, the basis for its determination that the actions it has taken are sufficient.

For the College:



President or designee

12/11/06
Date