



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

Dr. Mark P. Becker
President
Georgia State University
P. O. Box 3965
30 Courtland Street
Atlanta, Georgia 30302

Re: Complaint #04-09-2194

Dear Dr. Becker:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation in the above-referenced complaint filed on September 23, 2009, against Georgia State University (University), alleging discrimination on the basis of race. The Complainant alleged that during the spring 2009 semester, she complained to the Office of the Dean of Students Office (ODS) concerning a Caucasian student who published racially derogatory comments directed toward her on a website which he created. The Complainant alleged that because of her race (black) the ODS failed to inform her of the complaint filing process. In addition, the Complainant stated that she was subjected to a racially hostile environment because the University allowed the accused student to continue attending classes with her.

OCR investigated this complaint under the authority of Title VI of the Civil Rights of 1964 (Title VI), 42 U.S.C. Sections 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color or national origin in educational programs and activities by recipients of Federal financial assistance. The University is a recipient of Federal financial assistance from the Department and is therefore subject to these laws that prohibit discrimination on the basis of race. Accordingly, OCR has jurisdiction over this complaint.

Based on the allegations, OCR investigated the following issues:

1. Whether the University subjected the Complainant to discrimination on the basis of race by failing to inform her of the complaint filing process, in noncompliance with Title VI and its implementing regulation at 34 C.F.R. Section 100.3.
2. Whether the University subjected the Complainant to discrimination on the basis of race by failing to properly respond to her complaint of a racially hostile environment, in noncompliance with Title VI and its implementing regulation at 34 C.F.R. Section 100.3(a) and (b)(1).

To resolve a noncompliance issue in this complaint the University agreed to revise its Student Code and Administrative Policies (Code); disseminate and publish the revised Code; and include training on the revised Code provisions in its annual instruction of instructional staff. The University has completed and disseminated the Code revisions and initiated the agreed upon annual training (See

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enclosed Resolution Agreement, dated December 13, 2013). Therefore, OCR has determined that the University's Agreement has been fully implemented and resolves this complaint consistent with the requirements of Title VI. The University is advised that the Complainant may file a private lawsuit regardless of whether OCR finds a violation of this regulation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent possible, any personally identifiable information, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Intimidation or retaliation against complainants by recipients or public entities is prohibited. No recipient or public entity may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

This concludes OCR's consideration of the complaint, which we are closing effective the date of this letter. If you have any questions regarding this matter, please contact Virgil Hollis, Compliance Team Leader, at (404) 974-9366.

Sincerely,

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure