



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

November 13, 2015

Chancellor Douglas A. Kristensen
University of Nebraska at Kearney
Office of the Chancellor
905 West 25th Street
Kearney, Nebraska 68849

Re: Docket # 07152198

Dear Chancellor Kristensen:

On April 7, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the University of Nebraska at Kearney (University), alleging discrimination on the basis of sex. This letter is to confirm the University has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the Complainant alleged the University failed to take prompt and effective action in response to her report of sexual harassment by an employee of a XXXXX XXXXX XXXXX contracted to conduct business on campus, and as a result, she was subjected to a sexually hostile environment during the 2014-15 academic year.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal Financial Assistance (FFA).

As a recipient of FFA from the Department, the University is subject to Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On May 15, 2015, OCR sent notification letters to the parties, including a data request to the University. On June 30, 2015, the University provided OCR with a response to OCR's data requests. On September 10, 2015, the University expressed to OCR an interest in engaging in negotiations pursuant to Section 302 of OCR's *Case Processing Manual*.¹ OCR subsequently conducted interviews with the University's staff on September 15, 2015, and with the Complainant on September 24, 2015.

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

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Prior to the completion of OCR's investigation, the University submitted a signed Agreement (copy enclosed) on November 6, 2015, that, when fully implemented, will address this complaint.²

The Agreement requires the University to: 1) include a provision in future contracts with XXXXX XXXXX XXXXX stipulating that if the University determines that an employee of the contractor has sexually harassed a member of the University community, the University may require the contractor to take prompt action to prevent recurrence of the harassment and to correct its discriminatory effects, as determined by the University, including removal of such person from the University campus; and 2) send the complainant a certified letter notifying her of the outcome of the internal complaint and any appeal she submitted to the University, including whether the University found that the alleged conduct occurred, any individual remedies offered or provided to her or any sanctions imposed on the perpetrator that directly relate to you, and other steps the University has taken to eliminate the hostile environment and prevent recurrence. Please consult the Agreement for further details.

OCR considers the allegation of this complaint resolved effective the date of this letter and will monitor the University's implementation of the Agreement. When OCR concludes the University has fully implemented the terms of the Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume the investigation.

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.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

Karl Menninger
Supervisory Attorney

Enclosure

² The Agreement only addresses the individual remedies. The University's policies and procedures involving discrimination based on sex are currently under review in complaint no. 07152233.