



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, D.C.

April 29, 2014

Dr. Michael Rao
President
Virginia Commonwealth University
910 West Franklin Street
Richmond, Virginia 23284-2512

Re: Complaint No. 11-13-2288 and No. 11-14-2038
Resolution Letter

Dear Dr. Rao:

This letter concerns the above-referenced complaints that were filed against Virginia Commonwealth University (the University), with the District of Columbia Enforcement Office of the Office for Civil Rights (OCR), within the U.S. Department of Education (the Department).

The Complainant (Complainant 1) in OCR Case No. 11-13-2288 is a female graduate student at the University. She filed this complaint with OCR on September 5, 2013, alleging that the University failed to adequately respond to her concerns about sex-based discrimination in one of her classes, XXXX. Complainant 1 further alleged that the University retaliated against her after she notified the University about her concerns.

On December 2, 2013, OCR received Complaint No. 11-14-2038, which also raised concerns about how the University conducted a Title IX investigation. The Complainant (Complainant 2) participated in a Title IX investigation XXXX. XXXX, Complainant 2 alleged that the Title IX investigative process was deficient in several ways, including a failure to appropriately coordinate with law enforcement or to maintain witness confidentiality. Because substantially similar concerns were raised in both complaints, in accordance with OCR's Case Processing Manual Section 102 (c), they were consolidated.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance from the Department. Title IX also prohibits recipients of Federal financial assistance from retaliating against individuals who make efforts to assert or protect their rights or privileges under Title IX. The University receives Federal financial assistance from the Department and therefore we have jurisdiction over it.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Title IX requires a school that is aware of potential sex-based discrimination or harassment in a program or activity of the school to take prompt and appropriate action to investigate or otherwise determine what occurred. Any investigation into whether sex-based discrimination or harassment occurred must be prompt, thorough, and impartial. Preliminary information gathered by OCR indicates that the investigations that were the subject of these complaints may not have met this standard.

The University requested OCR's assistance in complying with Title IX in order to resolve these complaints. OCR discussed resolution options with the University, and the University indicated a desire to resolve the complaints under Section 302 of OCR's Case Processing Manual. On April 23, 2014, the University entered into the attached voluntary resolution agreement (the Agreement) with OCR to resolve the complaints. The provisions of the Agreement are aligned with the allegations raised by Complainant 1 and Complainant 2 and information obtained during the course of OCR's investigation, and are consistent with the applicable regulations. When fully implemented, the Agreement will resolve both complaints.

This concludes OCR's investigation of the complaints and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. We have advised each of the complainants that the University may not harass, coerce, intimidate, or discriminate against them because they filed a complaint or participated in the complaint resolution process. If this happens, each may file another complaint alleging such treatment.

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. The complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

Also, 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 appreciate the cooperation of the University, particularly David E. Johnson, University Counsel. If you have any questions, feel free to contact Samantha Shofar at 202-453-5929 or at Samantha.Shofar@ed.gov.

Sincerely,

/s/

Rachel Glickman
Team Leader
District of Columbia Office
Office for Civil Rights

Enclosure