



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

1350 EUCLID AVENUE, SUITE 325  
CLEVELAND, OH 44115

REGION XV  
MICHIGAN  
OHIO

September 2, 2016

Janice L. Sterling, Esq.  
Starr, Butler, Alexopoulos & Stoner, PLLC  
20700 Civic Center Drive, Suite 290  
Southfield, Michigan 48076

Re: OCR Docket #15-16-2100

Dear Ms. Sterling:

This letter is to notify you of the disposition of the above-referenced complaint filed on March 7, 2016, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Kellogg Community College (the College). The complaint alleged that the College discriminated and retaliated against a student (“the Student”) on the basis of sex (male). Specifically, the complaint alleged that the College’s XXXXXXXX program subjected the Student to different treatment on the basis of sex when, on XXXXX XX XXXX, it sent him a “learning contract” for his use of profanity and the word “vagina,” even though the latter was used during a laboratory clinical regarding female anatomy. The complaint also alleged that the College discriminated against the Student on the basis of sex and retaliated against him after he complained, including on XXXXX XX XXXX, that he was being discriminated against because he is a male, by dismissing him from the XXXXXXXX program on XXXXX XX, XXXX.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 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 and retaliation in education programs and activities operated by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the College is subject to Title IX. Accordingly, OCR had jurisdiction to investigate this complaint.

Based on the complaint allegations, OCR began an investigation of the following issues:

- whether the College, on the basis of sex, excluded a student from participation in, denied the student the benefits of, or otherwise subjected the student to discrimination under any academic, extracurricular, or other education program or

activity operated by the College by subjecting a student to separate or different rules of behavior, sanctions, or other treatment in violation of Title implementing regulation at 34 C.F.R. §§ 106.31(a) and (b)(1) and (4); and

- whether the College intimidated, threatened, coerced, or discriminated against an individual for the purpose of interfering with any right or privilege secured by Title IX because he made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Title IX in violation of the Title IX implementing regulation at 34 C.F.R. § 106.71.

During its preliminary investigation, OCR interviewed the Student. OCR also reviewed documents and information provided by the Student. Prior to the completion of OCR's investigation, the College expressed an interest in resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (Manual). The College informed OCR that the Student had been readmitted to its XXXXXXXX program, at no cost to the Student. The College also submitted documentation evidencing that this had occurred. The Student confirmed to OCR that he had been readmitted, at no cost to him. The College submitted the enclosed resolution agreement, described below, to resolve this complaint.

X--- paragraph deleted---X

X--- paragraph deleted---X

X--- paragraph deleted---X

As noted above, the College and the Student both informed OCR that the Student has been readmitted to the XXXXXXXX program, at no cost to him.

The Title IX 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. At 34 C.F.R. § 106.31 (b)(1), the Title IX regulation states that, in providing any aid, benefit, or service to a student, a recipient shall not treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service. Further, at 34 C.F.R. § 106.31(b)(4), the regulation states that no person shall, on the basis of sex, be subjected to separate or different rules of behavior, sanctions, or other treatment. The Title IX regulation incorporates prohibitions against retaliation at 34 C.F.R. § 106.71.

As noted above, prior to the completion of OCR's investigation, the College expressed interest in resolving the complaint allegation pursuant to Section 302 of OCR's CPM, which provides that a complaint may be resolved before the conclusion of an OCR investigation if a recipient asks to resolve the complaint and signs a resolution agreement that addresses the complaint allegation(s). Such a request does not constitute an admission of liability on the part of the College, nor does it constitute a determination by

OCR that the College has violated any of the laws that OCR enforces. On August 30, 2016, the College submitted the enclosed signed Agreement to OCR. Pursuant to the Agreement, the College will provide training to administrators and full-time staff regarding the College's obligations under Title IX. The provisions of the signed Agreement are aligned with the complaint allegation and the information obtained to date during the investigation and consistent with applicable regulations. When fully implemented, the signed Agreement will resolve the complaint allegation.

Based on the foregoing, OCR considers the allegations in the complaint to be resolved and is closing its investigation as of the date of this letter. OCR will, however, monitor the College's implementation of the Agreement. Should the College fail to fully implement the agreement, OCR will take appropriate action to ensure the College's full compliance with Title IX.

This concludes OCR's investigation of the complaint and should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the harmed individual may file another complaint alleging such treatment.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

We look forward to receiving the College's first monitoring report, which is due by January 17, 2017. Please address the monitoring report to Mr. Stephen Buynack, who will be overseeing the monitoring. Mr. Buynack can be reached by phone at (216) 522-7643 or by e-mail at [Stephen.Buynack@ed.gov](mailto:Stephen.Buynack@ed.gov). For questions about this letter, please contact Donald S. Yarab, Supervisory Attorney/Team Leader, at (216) 522-7634.

Sincerely,

/s/

Meena Morey Chandra  
Regional Director

Enclosure