

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
Midwestern Division
Kansas City Office



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APR 10 2000

Mr. John F. Black
Office of General Counsel
Southwest Missouri State University
205 Carrington Hall
901 South National Avenue
Springfield, Missouri 65804

Ref: 07992058

Dear Mr. Black:

On April 9, 1999, the Office for Civil Rights (OCR), U.S. Department of Education (Department), received a complaint alleging that Southwest Missouri State University (University), Springfield, Missouri discriminated against a student on the basis of sex. Specifically, the complainant alleged that she was sexually harassed by an assistant professor and that the University failed to equitably resolve the student's complaint.

OCR is responsible for enforcing, among other civil rights statutes, 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 recipients of Federal financial assistance from the Department from discriminating on the basis of sex in education programs or activities. The University is a recipient of Federal financial assistance from the Department, therefore it is required to comply with the regulations enforced by OCR.

OCR has resolved this complaint. In a Resolution Agreement (Agreement) signed March 28, 2000, the University agreed to take specific actions to ensure that all students and employees have a prompt and equitable procedure to resolve discrimination complaints. More specifically, the University agreed to implement a new procedure that requires the University to provide written notification to all individuals who file a grievance of decisions made by University representatives in their grievance and to provide timely written notice of the individual's procedural rights at all stages of the grievance procedure. A copy of the Agreement is enclosed for your convenience. In addition, the University has advised OCR that the assistant professor alleged to have sexually harassed the Complainant will not be a member of the faculty in the future.

Page 2 - Mr. John F. Black, Office of General Counsel - 07992058

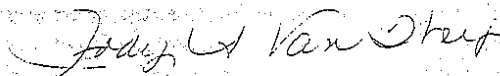
On April 3, 2000, OCR received documentation from the University showing that the University has adopted a new procedure that meets the requirements of the Agreement. Based on OCR's review of the documentation provided by the University, OCR has determined that the Agreement has been fully implemented. No further action is required of the University regarding the Agreement. Based on the above, this case is closed as of the date of this letter.

No recipient or other person shall 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, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under the laws OCR enforces. If any individual is harassed or intimidated because of filing the complaint or participating in the investigation, the individual may file a complaint with OCR alleging such harassment or intimidation.

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.

In any future correspondence with OCR, please refer to the number referenced above. This will enable OCR staff to immediately route your correspondence to the individual assigned to this complaint. If you have any questions, please contact Nate Hicks, Equal Opportunity Specialist, at (816) 880-4275 (voice) or (816) 891-0582 (telecommunication device for the deaf).

Sincerely,



Jody A. Van Wey
Associate Director

Enclosures

cc:

Dr. John H. Keiser, President
Southwest Missouri State University

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RESOLUTION AGREEMENT
SOUTHWEST MISSOURI STATE UNIVERSITY
UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
DOCKET NUMBER 07992058

Southwest Missouri State University (University) voluntarily submits this Resolution Agreement (Agreement) to the United States Department of Education Office for Civil Rights (OCR) to resolve the allegations made against the University in OCR complaint number 07992058. The complainant alleged that she was subjected to sexual harassment by a member of the University's staff and that the University failed to take appropriate action in response to her complaint against the staff member. OCR has jurisdiction over this complaint pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106. The University, in an effort to resolve this matter, has agreed to the provisions in this Agreement. The Agreement is not intended to be and should not be construed to be an admission by the University to any of the allegations in Complaint Number 07992058.

The University, as a component of its efforts to ensure that employees and students have a prompt and equitable procedure to resolve discrimination complaints, agrees that by MARCH 23, 2000, it will modify its grievance procedure to ensure that it includes provisions requiring that all complainants:

- a. are provided written notice of the entire grievance procedure at the time a complaint is filed;
- b. receive timely written notice of any procedural or substantive decisions made by University officials or hearing panels; and
- c. are provided with timely written notice of their procedural rights under the University's grievance procedure at all stages of the University's grievance procedure, including at the time the complainant is notified of any procedural or substantive decisions by a University official or hearing panel.

The University will provide a description of the proposed modifications to its grievance procedure and a copy of proposed revised grievance procedure to OCR prior to its adoption of the revised grievance procedure as identified above.

OCR will advise the University in writing if the proposed revised grievance procedure is consistent with this Agreement. OCR will close this complaint when it receives confirmation from the University that an agreed upon revised grievance procedure has been adopted by the University.



University Representative

March 28, 2000

Date