



U.S. DEPARTMENT OF EDUCATION
THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107

OFFICE FOR CIVIL RIGHTS

OCT 24 2000

WENDELLA P. FOX
DIRECTOR

EASTERN DIVISION

IN RESPONSE, PLEASE REFER TO: 03002034

Mr. Fred Lazuras, IV
President
Maryland Institute, College of Art
1300 Mount Royal Avenue
Baltimore, MD 21227-4191

Dear Mr. Lazaras:

This letter is in further reference to the complaint filed with the Office for Civil Rights (OCR), U.S. Department of Education (the Department), against the Maryland Institute College of Art (MICA). The complainant alleged that MICA discriminated against her on the basis of sex. Specifically, the complainant alleged that a professor at MICA sexually harassed her and also discriminated against her while she was a student at MICA. The complainant provided the following examples of his conduct:

- a) stating that her paintings were "sexually hot" and asking her out on a date (October and November 1997);
- b) asking her inappropriate personal questions (October 1997);
- c) using inappropriate critique language of her artwork and making sexual advances towards her (April and May 1998);
- d) making demeaning statements regarding her to other students in her class (November 1997);
- e) reprimanding her for working a part-time job;
- f) criticizing her for not viewing a commercial pornographic movie (March 1998); and
- g) criticizing her for working in her studio in the evening (Spring 1998).

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance from the Department. Because MICA receives Federal financial assistance and is a post-secondary educational institution, it is subject to the provisions of Title IX.

The complainant filed an internal complaint with MICA regarding these allegations. An investigation was conducted and a decision was rendered in November 1999. The complainant filed her complaint with OCR on December 28, 1999, and also alleged that MICA did not have a timely grievance procedure and that her grievance regarding these allegations was not handled in an appropriate manner by staff at MICA.

When a complaint has been handled through an institution's internal grievance procedure and a complaint is subsequently filed with OCR, our procedures do not provide for a complete reinvestigation. Our procedures provide that OCR will review the findings rendered in the case, and determine whether the process addressed the issues in an appropriate manner, and whether the process comports with the procedures which OCR would have used in addressing the matter.

OCR reviewed the determination in this matter. Since the decision letter did not detail the manner in which MICA addressed the issues, we requested copies of the information reviewed by MICA in making its determination. OCR's review of these materials disclosed that MICA gave the complainant an opportunity to present information concerning the charges. Thereafter, the attorney representing the professor alleged to have engaged in the harassing behavior presented a written deposition to MICA professing his innocence. The data provided by MICA to OCR seemed to indicate that, due to a physical injury, the professor did not himself appear before the grievance committee looking into this complaint to answer any questions until October 8, 1999. The data also indicates that MICA interviewed persons whom they labeled as "neutral" concerning the incidents alleged by the complainant. Based on this information, the grievance committee at MICA determined that there was no basis upon which to conclude that sexual harassment had occurred.

OCR has determined that the investigation meets the minimum standards of an inquiry which would have been conducted by OCR. Generally, the complainant was provided the opportunity to present information, and MICA did interview her, and the professor charged with the harassing behavior, and several "neutral" parties thought to have information regarding your complaint, and these findings were communicated to the complainant. However, we also note that the inquiry conducted by MICA took from May 1999 to November 1999 to reach a conclusion. MICA was aware of the complainant's grievance since March 1999, but the complainant requested that they take no action regarding her complaint until after her graduation, in May 1999. The Title IX regulation provides that a grievance procedure established by an institution must provide for both prompt and equitable review of concerns. Therefore, although the substantive aspects of the inquiry meet our minimum standards, we conclude that the investigation conducted by MICA could have been conducted in a more prompt manner.

Under OCR policies, complaint allegations may be resolved upon submission of documentation by the recipient indicating that they have taken actions substantiating that the allegations have been resolved. On October 18, 2000, MICA submitted signed assurances (copy enclosed) committing to maintain its sexual harassment policy and expressly include in it time-frames for the prompt resolution of complaints of discrimination based on sex, including sexual harassment. MICA has also committed to allow for the complainants' input into investigations and appearance at hearings, if hearings are made a part of the process. In light of the corrective action to be taken by MICA, OCR finds MICA to be in compliance with the Title IX regulation with respect to the issues discussed herein. Please note that continued compliance is contingent upon full implementation of the assurances. Failure to fulfill the terms of the commitments may result in the reopening of our investigation and the finding of a violation. As is our practice, OCR will monitor the assurances to ensure they are fully implemented. Consequently, we are closing our investigative file on this case effective the date of this letter. MICA's monitoring report is due February 15, 2001.

This letter is not intended, and should not be construed, to address any other issue concerning MICA's compliance with Title IX. Federal regulations prohibit the MICA from intimidating, coercing, harassing, or discriminating against a complainant as a result of filing a complaint or taking part in the resulting investigation. If any such actions occur, the complainant may notify this office.

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.

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Thank you for your cooperation in this matter. If you have any questions, do not hesitate to contact me at (215) 656-8549 or Ihor Stefan Bilynsky, Equal Opportunity Specialist, at (215) 656-8521.

Sincerely,

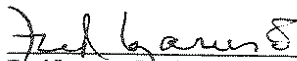
A handwritten signature in black ink, appearing to read "Brenda E. Johnson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Brenda E. Johnson
Team Leader
Philadelphia Office

Commitments

In order to resolve complaint #03002034, the **Maryland Institute College of Art** (the College) submits the following commitments to the Office for Civil Rights (OCR), U.S. Department of Education. The College is submitting the following commitments to OCR only in order to resolve the issues in the complaint and, by doing so, does not admit violating any of the laws or regulations that OCR enforces:

1. The College recognizes its obligations under Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, at C.F.R. Part 106, not to permit or encourage discrimination on the basis of sex by College students or staff, including but not limited to, sexual harassment.
2. The College agrees to maintain in effect its sexual harassment policy, which provides for prompt and equitable resolution of complaints alleging sex discrimination and harassment. The College further agrees that, on or before January 31, 2001, it shall review and revise its policy to expressly include in the policy a time frame to provide for the prompt or equitable resolution of complaints alleging sex discrimination and harassment.
3. The College's sexual harassment policy, including any revisions made to the policy, shall continue to allow for the complaining party's input into the investigation and appearance at hearings, if proceedings resembling hearings are made part of the process. The procedure shall also allow for the participation of the alleged harasser and witnesses in the investigation and the appearance at hearings, if proceedings resembling hearings are made a part of the process.
4. By February 15, 2001, the College will provide to OCR, for comment and review, a copy of its sexual discrimination grievance procedures, as revised in accordance with paragraph #2 above.
5. Subsequent to OCR's review of the revised procedures, the College will assure that copies of its revised sexual harassment and discrimination policy are distributed to all faculty members, students, and employees at the College. Within 30 days of its distribution, the College will certify to OCR in writing that the revised procedures have been distributed.
6. By June 30, 2001, the College will submit to OCR a summary report of the number of sex discrimination complaints filed in the 2000-2001 academic year. This summary report need not include the names of persons involved in such complaints, but, at a minimum, shall include a brief summary of each complaint filed, the decision rendered, a description of the sanctions imposed if any, and the length of time it took to resolve each step of the grievance procedure.


Fred Lazuras, President
Maryland Institute, College of Art

10-3-00
Date

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DATE: 07.VI.2000 (REV 09.VI.2000)
FILE: RAZULIS v MICA.CLOC (#03002034)
DISK: BOHUN #1
TITLE: RAZULIS v MICA.CLOC