



UNITED STATES DEPARTMENT OF EDUCATION
REGION I
JOHN W. McCORMACK POST OFFICE AND COURTHOUSE, ROOM 222
POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109

MAY 22 2001

OFFICE FOR
CIVIL RIGHTS

John DiBiaggio
President
Tufts University
Ballou Hall
Medford, MA 02155

Compliance Review No. 01-00-6002

Dear President DiBiaggio:

We are writing to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) has completed its compliance review of Tufts University (University) pursuant to Title IX of the Educational Amendments of 1972 (Title IX). On August 4, 2000, OCR advised you that we would be initiating this review focussing on the following three issues: (1) the University's response to sexual harassment complaints, (2) what actions the University takes to prevent harassment on campus and (3) whether a campus environment exists that is hostile to students based on their sex. On May 7, 2001, we received your signed commitment letter outlining the actions the University will take and has already taken to address the concerns OCR found during its review of these issues. Hence we are closing the investigative stage of the review. This letter briefly summarizes the process that led to this commitment and outlines future monitoring actions.

OCR initiated this activity as part of our enforcement responsibility. Postsecondary institutions are selected for sexual harassment compliance reviews based on a variety of factors, such as the size of the university's female population, data from Federal, state, and local sources, geographic location, and related information such as a review of the University's sexual harassment policies and procedures.

On August 28, 2000, OCR staff met with you and other University representatives and discussed, in detail, the review process. As we explained, compliance reviews can range from traditional comprehensive investigations with formal findings to a collaborative approach in which OCR works with the university to achieve voluntary resolution. Demonstrating your willingness to proactively address this issue and in keeping with the collaborative approach, you appointed a Tufts Team, consisting of faculty and staff, to work with OCR. On September 21, 2000, OCR representatives met with the Tufts Team and discussed the details of on-site activities scheduled for the weeks of October 23, October 30, November 6 and November 13, 2000.

During the course of the on-site, OCR representatives met with various groups on campus including a cross section of administrators, faculty, staff, and students and even attended a few classes. The University campus community was invited to participate in daily scheduled focus groups. Individual interviews were also scheduled for those individuals who felt more comfortable talking on a one-to-

one basis. OCR also reviewed grievance files from the offices of the Dean of Students and Equal Opportunity/Affirmative Action. Subsequently, OCR met with the Tufts Team to discuss the experiences, commentaries, and perceptions of people interviewed during OCR's on-site visits. During this meeting, OCR also raised a number of concerns that arose from the interviews, focus groups and file reviews and OCR's review of the University's policies and procedures for addressing sexual harassment.

OCR's concerns fell into the three issue areas we investigated: policies and procedures, environment and prevention. With regard to policies and procedures, OCR identified several concerns including, but not limited to, the lack of a designated employee to coordinate its efforts to comply with Title IX and the equal access to a prompt and equitable grievance process by all parties. Similarly, with regard to environment, OCR informed the University of some of the concerns raised by students including female students' concerns related to fraternities, included walking by them, and the area around the science building on the outskirts of the campus. With regard to prevention, concerns were identified around students' knowledge of the definition of sexual harassment. An additional issue was identified concerning international students for whom sexual harassment was not usually a term used in their home countries and who did not receive sexual harassment training during their orientation. Another identified concern included the issue of confidentiality.

OCR representatives and members of the Tufts Team held a number of conference calls and meetings to review, among others, the above concerns. Drawing upon information from the focus groups, file reviews, interviews, existing data, and professional and personal experience, the Tufts Team, in conjunction with OCR, developed a final Resolution Letter (Agreement). A copy of the signed final Agreement is enclosed. The Agreement addresses OCR's concerns by initiating many corrective actions including, but not limited to:

- revising the University's sexual harassment grievance procedures,
- expanding the duties of the Director of the Office of Equal Opportunity (the Title IX coordinator),
- broadening the sexual harassment training substantively to include all forms of sexual harassment and specifically to include international students, and
- implementing new services including a hotline and a walking escort service.

The University will be responsible for implementing the Agreement. As discussed earlier, OCR will monitor the University's progress in implementing the Agreement and we will continue meeting with the individuals responsible for overseeing implementation of the Agreement. Consistent with the collaborative review process, OCR will meet with the University's designated representatives within the next 60 days to discuss the monitoring of the Agreement. In addition, OCR will continue to talk with University stakeholders to informally assess the impact and progress of the Agreement over the next two years. Any information received will be shared with the University. This does not preclude the University from conducting their own self-assessments and submitting these reports to OCR. We hope to learn from the University's efforts and to provide assistance, if and when needed.

OCR will contact the University's liaison to initiate this process and for periodic informal updates. If a new Director of the Office of Equal Opportunity is hired by the date of the monitoring meeting we welcome and encourage their attendance at the meeting. We look forward to the continued collaborative working relationship between OCR and the University.

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Finally, let me mention that 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 want to thank you and your staff, especially Marilyn Glader and Bruce Reitman, for the commitment they brought to the collaborative review. We would also like to thank Christy Galatis for maintaining the continuity during the University's replacement of the liaison to the review. We wish the University every success in implementing the Agreement. Should you have any questions or comments, please contact me at (617) 223-9667 or Selena Samm, Esq. at (617) 223-9685.

Sincerely,

A handwritten signature in cursive script that reads "Thomas J. Hibino".

Thomas J. Hibino
Director

Enclosure