



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

OFFICE FOR
CIVIL RIGHTS

April 13, 2001

(b)(7)(C)

Re: Complaint No. 01-01-2004

Dear (b)(7)(C)

This letter is to inform you that, upon a careful review of the allegations contained in the complaint that you filed with the Office for Civil Rights (OCR), OCR has concluded that there is an insufficient factual basis to conclude that Merrimack College (College) discriminated against you on the basis of gender. This determination is based on OCR's analysis of the information you provided in your complaint and during a subsequent telephone conversation with OCR staff. The specific bases for our determination are set forth below.

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 U.S. Department of Education (Department) from discriminating on the basis of sex in education programs and activities. Since the College is a recipient of Federal financial assistance from the Department, it is obligated to comply with the requirements of Title IX. Sexual Harassment is a form of gender discrimination that is prohibited under Title IX.

In reviewing your allegations, OCR sought to determine whether the particular facts alleged and the nature of the allegation, if true, would warrant a conclusion that the College failed to comply with Title IX by subjecting you to a hostile environment or treating you differently on the basis of your gender. In particular, you alleged that the College discriminated against you on the basis of gender when one of your professors showed a film in class containing material of a sexual nature, which you contend is offensive to women. Your complaint relates solely to the showing of the film. You did not allege any other form of gender discrimination nor did you claim that there was any derivative discrimination from the showing of the film. Consequently, given the totality of the circumstances, OCR was unable to conclude that you were subjected to a hostile

environment. Moreover, you do not allege, nor is there any indication, that the College failed to respond to your complaint when notified of your concerns.

Therefore, based on the particular nature of your allegations, and the information provided, OCR determined that there is an insufficient factual basis to conclude that the College discriminated against you in violation of Title IX. Accordingly, OCR will take no further action in this matter and will close the complaint, effective the date of this letter.

We regret that we are unable to provide you with further assistance in this matter and want to thank you for your patience and cooperation. If you have any questions, please feel free to contact me at (617) 223-9683 or Anthony Cruthird, Civil Rights Attorney, at (617) 223-9705.

Sincerely,



Carolyn F. Lazaris
Program/Administrative Manager