



U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
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WASHINGTON, D.C. 20202

AUG 21 1998

OFFICE FOR
CIVIL RIGHTS

Mr. William P. Leahy, S. J.
President
Boston College
140 Commonwealth Avenue
Chestnut Hill, Massachusetts 02167

Re: Complaint No. 01-98-2026

Dear Mr. Leahy:

The Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint. (b)(7)(C) Complainant) alleged that Boston College discriminated against her on the bases of national origin and sex. Specifically, the Complainant alleged that the grade she received for the Practicum in Counseling Course (Course) for the spring semester of 1997 did not reflect her knowledge of the material covered in the Course. According to the Complainant, the grade reflected Professor (b)(7)(C) (b)(7)(C) Professor) hostile attitude toward her as a minority and a female.

OCR accepted this complaint for processing because it contains allegations that fall under the jurisdiction of Title VI of the Civil Rights Act of 1964 (Title VI), and Title IX of the Education Amendment of 1972 (Title IX). The College is subject to the requirements of Title VI and Title IX because it receives Federal financial assistance from the U.S. Department of Education.

We reviewed the information submitted by the Complainant and the College. We also interviewed the Complainant and the College's Program Director. OCR concluded that there was insufficient evidence to support the Complainant's allegations. Our findings are presented below.

OCR found that the Course is designed to fulfill the Mental Health Counseling licensing requirements required by the Commonwealth of Massachusetts. The Course's primary objective is to develop a set of counseling skills in crisis intervention strategies, with a focus to recognize and understand the intersection between one's personal life and professional life, and establish an active learning style that promotes growth throughout training and professional practice. Students are required to regularly attend the Course's lectures and labs which account for 10% of the final grade; complete all required assignments which account for 40% of the final grade; and develop, propose and complete a portfolio of assignments which account for 50% of the final grade. OCR

concluded that the Course's syllabus and requirements are neutral on their face with regard to national origin and sex. OCR then examined whether the grade that the Complainant received for the Course was discriminatory as she alleged.

The Complainant informed OCR that as of June 30, 1997, she had not received her final grade for the Course. On July 15, 1997, the Complainant met with the Professor and learned that the final grades for the Course had been recorded, and that her grade for the Course was a "C". The Complainant disagreed with her grade and on July 24, 1997, filed a grievance with the College's Program Director regarding the matter.

OCR noted that the Complainant did not cite discrimination on the bases of national origin and sex as the reason for her grievance. Instead, the Complainant stated in her grievance that she was seeking a grade of "B" for the Course, and an "apology for the Professor's unprofessional conduct".

OCR reviewed the College's grievance procedures and found that they meet the requirements of Title IX and that the College adhered to those procedures in responding to the Complainant's grievance. OCR also found that the College's grievance procedures allow students the opportunity to appeal the grievance decision to the Associate Dean of the Graduate School of Education, but the Complainant choose not to appeal the College's decision and instead filed her complaint with OCR.

OCR found that the College responded to the Complainant's grievance by obtaining an independent evaluation of the Complainant's assignments, which were graded by the Professor, from another professor with twelve years of teaching experience. Based on the other professor's review, the College concluded that the Complainant had received the appropriate grade for the Course, a "C".

On September 3, 1997, the College notified the Complainant, that based on the other professor's review of her written materials submitted, which the other professor found to correspond with a grade of "C" quality work, the Complainant's grade of "C" for the Course would not be changed. OCR concluded that the Complainant addressed her complaint against the Professor through the College's internal grievance procedures. OCR also found that the College had the Complainant's written work reviewed by another professor, an independent, neutral third party. The other professor found that the Complainant's written work had been graded fairly. According to the College, the grievance was not addressed as a matter of national origin and sex discrimination because the Complainant never made those charges in her grievance. In addition, the College stated that it did not investigate the Complainant's charge of "unprofessional conduct" because the Complainant never explained how or why she believed the Professor had behaved unprofessionally.

Since, for the reason stated above, the College did not address the Complainant's grievance as one charging national origin and sex discrimination, OCR made its own determination regarding the Complainant's allegation. Specifically, the Complainant contends that her final grade of "C" for the Course reflected the Professor's hostile attitude toward her as a minority and a female student. According to the Complainant, the Professor made statements to her such as: she could not read, misused concepts during work and as a minority she had problems with the English language. OCR found that the Professor who is a minority met with the Complainant on July 15, 1997, after the spring semester had ended and the grades for the Course had been recorded.

OCR examined the Course's roster for the spring semester of 1997, and found that 63 students were enrolled in the Course. Fifty, or 79% of the students enrolled in the Course were females and thirteen, or 20.6% of the students enrolled in the Course were males. OCR found that 47 of the female students received final grades of A to A- and three female students, including the Complainant received final grades of "F", incomplete and "C" for the Course, respectively. OCR also found that 12 male students received final grades for the Course ranging from A to A-, and one male student received a grade of B plus for the Course.

In addition, OCR found that 21 of the 63 students enrolled in the Course were of minority status. Thirteen of these students received a grade of A and six received a grade of A-. One (the Complainant) received a grade of "C", and one student received an incomplete.

Based on the above facts, OCR found no evidence to support the Complainant's allegation that the Professor's grading of her work reflected his discriminatory hostile attitude towards students based on national origin and sex.

Accordingly, we are closing this complaint effective the date of this letter. OCR thanks you and your staff for your attention to this matter. If you have any questions, please contact Mr. Walker Carter at 617/223-9693, or me at 617/223-9699.

Sincerely,



Robert L. Pierce
Program Manager