



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

OFFICE FOR CIVIL RIGHTS

WENDELLA P. FOX
DIRECTOR
PHILADELPHIA OFFICE
EASTERN DIVISION

August 15, 2002

IN RESPONSE, PLEASE REFER TO: 03022060

(b)(7)(C)

Dear (b)(7)(C)

This is in further reference to the complaint that you filed with the Office for Civil Rights (OCR), U. S. Department of Education (the Department), against the University of Maryland University College (the University). You alleged that the University's Director of Legal Studies sexually harassed you by interfering with your academic performance, educational participation, and creating an intimidating, hostile educational environment as a student of the University. Specifically, you alleged that the Director accused you of trying to get out of doing research for the legal studies classes and did not provide you with LEXIS materials usually utilized in a course you were not enrolled in until you requested the materials.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination based on sex in educational institutions that receive Federal financial assistance. Because the University is a recipient of Department financial assistance, it is subject to the provisions of Title IX.

There are two types of legally recognized sexual harassment: quid pro quo sexual harassment, and hostile environment sexual harassment.

Quid pro quo sexual harassment occurs when an individual in a superior or more powerful position conditions some type of favorable outcome on a victim's submission to unwelcome behavior of a sexual nature. You do not appear to be alleging that you were a victim of quid pro quo sexual harassment.

Hostile environment sexual harassment is sexually harassing conduct, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of an offensive sexual nature. You do not appear to be alleging that you were the target of hostile environment sexual harassment.

Under OCR policy, a complaint will be closed if the facts alleged are insufficient to suggest the discrimination alleged. We have reviewed your complaint and determined that the specific acts you complained of were not of a sexual nature, nor could they be viewed as any type of sexual harassment.

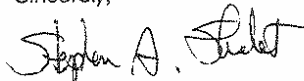
In fact, your recitation of the facts does not even suggest that there were any sexual acts or behaviors in this matter.

Moreover, the facts in this matter do not suggest that sex discrimination occurred either. The mere fact that a student was subjected to an adverse action does not suggest that the action was taken because of the person's gender. You have not alleged any facts that would suggest that the actions complained of were motivated by consideration of your gender. Therefore, we will not attempt complaint resolution of this matter and are closing our file on this matter effective the date of this letter.

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.

If you have any questions, please contact Ms. Marian Myers, Civil Rights Investigator (215) 656-8571.

Sincerely,


for Robert Ford
Team Leader