



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
ATLANTA OFFICE, SOUTHERN DIVISION
61 FORSYTH STREET, SW
SUITE 19T70
ATLANTA, GEORGIA 30303

OCT 14 1999

Dr. Talbot D' Alemberte
President
Florida State University
Tallahassee, Florida 32306-2480

Dear Dr. D' Alemberte:

Re: Complaint: #04-99-2221

This is to notify you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), regarding the resolution of the above-referenced complaint against Florida State University (University). First, the complainant alleged that her client, a female student in good academic standing, was verbally abused and criticized about her academic performance by female professors in the Department of Textiles and Consumer Sciences. Secondly, the complainant alleged that the University is in violation of the Title IX regulations with respect to the procedural requirements (dissemination of nondiscrimination policy, designation of responsible employee, and adoption of grievance procedures). Thirdly, the complainant alleged sex discrimination in the University's intercollegiate athletics program.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance from the Department. The University is a recipient of Federal financial assistance from the Department and is, therefore, subject to the provisions of Title IX.

In regard to the allegation of unprofessional conduct by faculty members, OCR will not proceed with an investigation because the University is currently investigating this allegation. The complainant and University provided documents, which revealed that the University was notified of the specific charges of unprofessional conduct. The University also provided documentation indicating that the complainant's allegation regarding her client's academic treatment is being investigated by the University's Faculty Senate Committee on Student Academic Relations. The complainant and her client were notified of this fact.

OCR is closing the above-referenced portion of the complaint. The complainant may refile within 60 days of the completion of the University's action.

Dr. D' Alemberte

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In regard to the allegation that the University is in violation of the Title IX requirements with respect to designated employee, grievance procedures, and nondiscrimination policy, OCR reviewed all University documents pertinent this issue. The regulation implementing Title IX at 34 C.F.R. Section 106.8 requires a recipient to provide the name, address, and telephone number of the person responsible for its compliance efforts. This section also requires a recipient to adopt and publish grievance procedures to resolve complaints of discrimination. Additionally, 34 C.F.R. Section 106.9 requires a recipient to issue a notice of nondiscrimination.

The University General Bulletin (1999-2000) contains the name, telephone number, and e-mail address of Dr. Freddie Groomes, Director of Equal Opportunity and Executive Assistant to the President, and identifies her as the designated person for overall compliance responsibilities. The University's address, including the President's Office, is prominently displayed on the inside jacket of the Bulletin. A general nondiscrimination policy is printed in the Bulletin. The University's student and faculty handbooks (1999-2000) contain the general nondiscrimination statements, identify a grievance process, and provide the location of the relevant office/department for assistance.

Based on the above-referenced facts, OCR concludes the University is in compliance with the Title IX regulation with regard to designated employee, grievance procedures, and notification of nondiscrimination policy. OCR determines that there is insufficient evidence to support a finding of a violation.

In regard to the allegation of sex discrimination in the University's intercollegiate athletics program, OCR requested specific information from the complainant because she did not provide sufficient details necessary to proceed with an investigation. The complainant was notified by letter, dated August 17, 1999, that she had 30 days to provide sufficient information regarding her allegations or the case would be closed.

The complainant provided sufficient detailed information on the first two allegations; however, she failed to provide sufficient information on the intercollegiate athletics issue, which would allow OCR to proceed with an investigation. OCR, therefore, will not pursue the intercollegiate athletics issue.

If you have any questions regarding this complaint, please contact Jim Lemon, Investigator, at (404) 562-6407.

Sincerely,



Arthur Manigault, Acting Team Leader
Case Resolution Team C

cc: William Gladwin
Associate General Counsel