



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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December 10, 2019

Dr. Ruth Watkins, President
University of Utah
201 Presidents Circle
Salt Lake City, Utah 84112

Sent by email only to president@utah.edu

Re: University of Utah
OCR Case Number: 08-16-2184

Dear President Watkins:

This letter is to notify you of the disposition of the complaint against the University of Utah (University), alleging that the University discriminated against the Complainant and students on the basis of their sex that OCR opened for investigation on June 23, 2016.

Specifically, the complaint alleges that the University failed to promptly and equitably resolve or respond to complaints, reports and/or incidents of sexual violence of which it has notice, including a February 26, 2015 report by the Complainant, thereby creating for students a sexually hostile environment.¹

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 Code of Federal Regulations Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the U.S. Department of Education. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX and its implementing regulation.

On April 28, 2017, OCR dismissed the Complainant's individual allegation, which the Complainant and University resolved through OCR's Early Complaint Resolution (now Facilitated Resolution Between the Parties) process.

During the course of OCR's investigation into the remaining systemic claim that students were being subjected to a sexually hostile environment at the University, we noted that the University took various systemic steps to improve its Title IX policies and procedures. Such University actions included hiring an experienced Title IX Coordinator, hiring additional University staff to investigate complaints, revision of Title IX policies specific to handling sexual harassment

¹ The basis of the Complainant's systemic allegation is that the University's delay in the processing of the appeal of the University's finding led to an unsafe and hostile environment on campus and another former student reported being raped in 2012 by a different individual and the University allegedly did not do anything in response.

complaints, and revision of the University's notice of Nondiscrimination.² Ultimately, OCR reviewed the information provided by the Complainant to support this allegation and found that this information was inadequate to justify further investigation into the University's handling of other possible student complaints.³

OCR will close a complaint pursuant to Section 108(c) of OCR's *Case Processing Manual* (CPM) where it concludes that, based on the information provided by the complainant, it cannot reasonably conclude that a recipient has violated a law OCR enforces. In this present case, there is an inadequate factual basis to further inquire as to whether there is a systemic hostile environment at the University. As a result, OCR is dismissing this remaining allegation as of the date of this letter.

This concludes OCR's investigation of the complaint and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and it should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

The Complainant has a right to appeal OCR's determination within 60 calendar days of the date indicated on this letter. In the appeal, the complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal. If the complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the recipient. The recipient has the option to submit to OCR a response to the appeal. The recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the recipient.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because she has filed a complaint or participated in the complaint investigation. If this happens, the individual may file another complaint alleging such treatment.

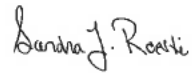
Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

² OCR sought the Complainant's input regarding the steps taken by the University during the course of OCR's investigation, but she did not provide any information.

³ The other incident identified by the Complainant involved a situation that was alleged to have occurred more than three years prior to the filing of this complaint.

If you have any questions regarding this complaint, please contact the attorney assigned to this case, [REDACTED]

Sincerely,



Sandra J. Roesti
Supervisory Attorney

cc: Sherrie Hayashi, Title IX Coordinator, *via email to* sherrie.hayashi@utah.edu
Brian Nichols, Associate Director Office of Equal Opportunity, Brian.Nicholls@utah.edu