



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
DALLAS OFFICE

August 17, 2011

Mr. R. Gerald Turner, President
Southern Methodist University
6425 Boaz Lane
Dallas, TX 75205

Reference: 06112126

Dear Mr. Turner:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its evaluation of the above-referenced complaint against Southern Methodist University (SMU), Dallas, TX, which was received in our office on June 2, 2011. The complainant alleged that SMU discriminated against her on the basis of sex/gender. Specifically, the complainant alleged that she was subjected to sex/gender based harassment by an SMU (b)(7)(C) professor during the (b)(7)(C) semester (i.e., the professor referred to the complainant as a "doody blonde," a "beauty queen," and a "hired bimbo" and stated that she was acting "bitchy" during a classroom lecture). The complainant further alleged that SMU failed to take prompt and effective action to address the harassment, which was sufficient to constitute a hostile environment, of which SMU had or should have had notice.

OCR is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or an agency that has delegated investigative authority to the Department, are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. Title IX provides in relevant part:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance

SMU is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to process this complaint for resolution under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening an investigation regarding the aforementioned allegation. Please note that opening an investigation pertaining to this allegation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is

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legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

Based on the complainant's allegation, OCR will investigate the following issue:

Whether, during the (b)(7)(C) (b)(7)(C) semester, SMU discriminated against the complainant on the basis of sex/gender by failing to take prompt and effective action to address the sex/gender based harassment directed toward her (i.e., an SMU (b) professor referred to the complainant as a "doody blonde," a "beauty queen," and a "hired bimbo" and stated that she was acting "bitchy" during a classroom lecture), which was sufficient to constitute a hostile environment, of which SMU had or should have had notice, in violation of Title IX, at 34 C.F.R. § 106.31.

For your information, we have enclosed *OCR's Complaint Processing Procedures* to provide you with an overview of our complaint evaluation and resolution process. Please note that OCR's case resolution processes include Early Complaint Resolution (ECR). ECR allows the parties (the complainant and the institution that is the subject of the complaint) an opportunity to resolve the complaint allegations quickly; generally, soon after the complaint has been opened for investigation, although ECR may take place at any time during the investigative process. If both parties are willing to try this approach, and if OCR determines that ECR is appropriate, OCR will facilitate settlement discussions between the parties and work with the parties to help them understand the legal standards and possible remedies. You will be contacted in the near future, usually within ten days from the date of this letter, to discuss this case. Please let OCR know if you are interested in the ECR process.

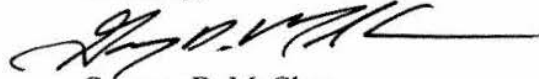
Section 100.6(c) of Title 34 of the Code of Federal Regulations stipulates that each recipient of Federal financial assistance shall permit access to pertinent sources of information to responsible Department officials or designees. Enclosed is an initial data request. Please provide the requested information to OCR within 15 calendar days of the date of this letter. Please be advised that this request does not preclude OCR from requesting additional information during the course of the complaint resolution process. After reviewing all information received, OCR will determine whether an on-site investigation is warranted. If so, you will be contacted to arrange a mutually convenient date.

Under OCR procedures, OCR is obligated to advise the complainant and the institution against which a complaint is filed that intimidation or retaliation against any individual is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing held in connection with a complaint.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that 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.

If you have any questions regarding this matter, please feel free to contact me at (b)(7)(C) or via email at (b)(7)(C)

Sincerely,



Gregory D. McGhee
Civil Rights Attorney

Initial Data Request for Information
Southern Methodist University
OCR Reference No.: 06112126

To facilitate resolution of the above-referenced complaint, the Office for Civil Rights (OCR) requests that Southern Methodist University (SMU) provide the following information to OCR within 15 calendar days of the date of the attached letter.

1. The name, address, and telephone number of the person who will serve as SMU's contact person during the resolution of this complaint;
2. The name and office telephone number of SMU's Title IX Coordinator (please be sure to indicate how this information is disseminated to students);
3. A copy of SMU's Title IX policies and procedures, including grievance procedures, for the 2009-2010 and 2010-2011 school years (please be sure to indicate how this information was/is disseminated to students);
4. Provide copies of grievances or complaints filed by the complainant (b)(7)(C) regarding sex/gender based discrimination (including harassment), from (b)(7)(C) 2010 to present, verbal or written, and all documentation regarding any inquiries or investigations conducted by SMU and conclusions or determinations reached. Please also provide the name, title and contact information for all individuals involved in the processing of the grievances or complaints;
5. A copy of the roster(s) for the complainant's (b)(7)(C) (b)(7)(C) (b)(7)(C) class, including the names, and contact information of the students and clinical instructor(s);
6. A narrative response to the complainant's allegations, including identification of any relevant witnesses, and any other supporting documentation SMU would like OCR to consider. Identify individuals by name, position/title, telephone number, and reason you identified them;
7. A copy of SMU's student handbook for the 2009-2010 and 2010-2011 school year, and if different, a copy of the student handbooks for students enrolled in SMU (b)(7)(C); and
8. Please provide OCR with information regarding any video teleconferencing equipment in use by SMU, including IPN or ISDN phone capability. Please include the name and telephone number for SMU's information technology personnel. *This information will be used for video conferencing if it is determined that interviews will be required.*