



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

September 16, 2015

Dr. Stephen C. Ainlay  
President  
Union College  
807 Union Street  
Schenectady, New York 12308

Re: Case No. 02-15-2410  
Union College

Dear President Ainlay:

On July 30, 2015, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint filed against Union College (the College). The complainant alleged that the College discriminated against [Non], on the basis of [No] sex, by failing to provide a prompt and equitable response to an allegation of a sexual assault that [Nonre] reported to the College on or about [Nonresponsive]. OCR has determined that this allegation is appropriate for investigation. Additionally, OCR will investigate whether the College failed to promptly and equitably respond to complaints, reports, and/or incidents of sexual assault/violence of which it had notice; and as a result, students at the College, including the complainant, were subjected to a sexually hostile environment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The College is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed in a timely manner, it is opening the allegations for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. 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 legally sufficient and is dispositive of

the allegations, in accordance with the provisions of Article III of OCR's Case Processing Manual.

Enclosed is a document entitled "OCR Complaint Processing Procedures." This document will provide you with an overview of OCR's complaint evaluation, investigation, and resolution process. OCR will collect only material needed to investigate this complaint and will take all proper precautions to protect the identity of any individuals named in documents.

To facilitate OCR's efforts to investigate this complaint, OCR requests that, within twenty (20) days of the date of this letter, you provide to OCR the information listed on the enclosed data request. The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6 (b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. This requirement is incorporated by reference in the regulation implementing Title IX, at 34 C.F.R. § 106.71. This information is also being requested pursuant to 34 C.F.R. § 99.31(a)(3)(iii).

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the ECR process is in the enclosure to this letter entitled, "Some Information About OCR's Case Processing Procedures," and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#II>.

Also, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the enclosure entitled, "Some Information About OCR's Case Processing Procedures," and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III>.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant 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. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that if released, could constitute an unwarranted invasion of personal privacy.

OCR will contact you within twenty (20) days to discuss the allegation and the complaint resolution process. In the interim, if you have any questions, please contact Eric Bueide, Compliance Team Attorney, at (646) 428-3851 or [eric.bueide@ed.gov](mailto:eric.bueide@ed.gov); or Aditi Shah, Compliance Team Attorney, at (646) 428-3897 or [aditi.shah@ed.gov](mailto:aditi.shah@ed.gov).

Sincerely,

A handwritten signature in black ink that reads "Erin Emery". The signature is written in a cursive style with a large, looping "E" and a long, sweeping tail on the "y".

Erin Emery  
Compliance Team Leader

Encl.

**Data Request**

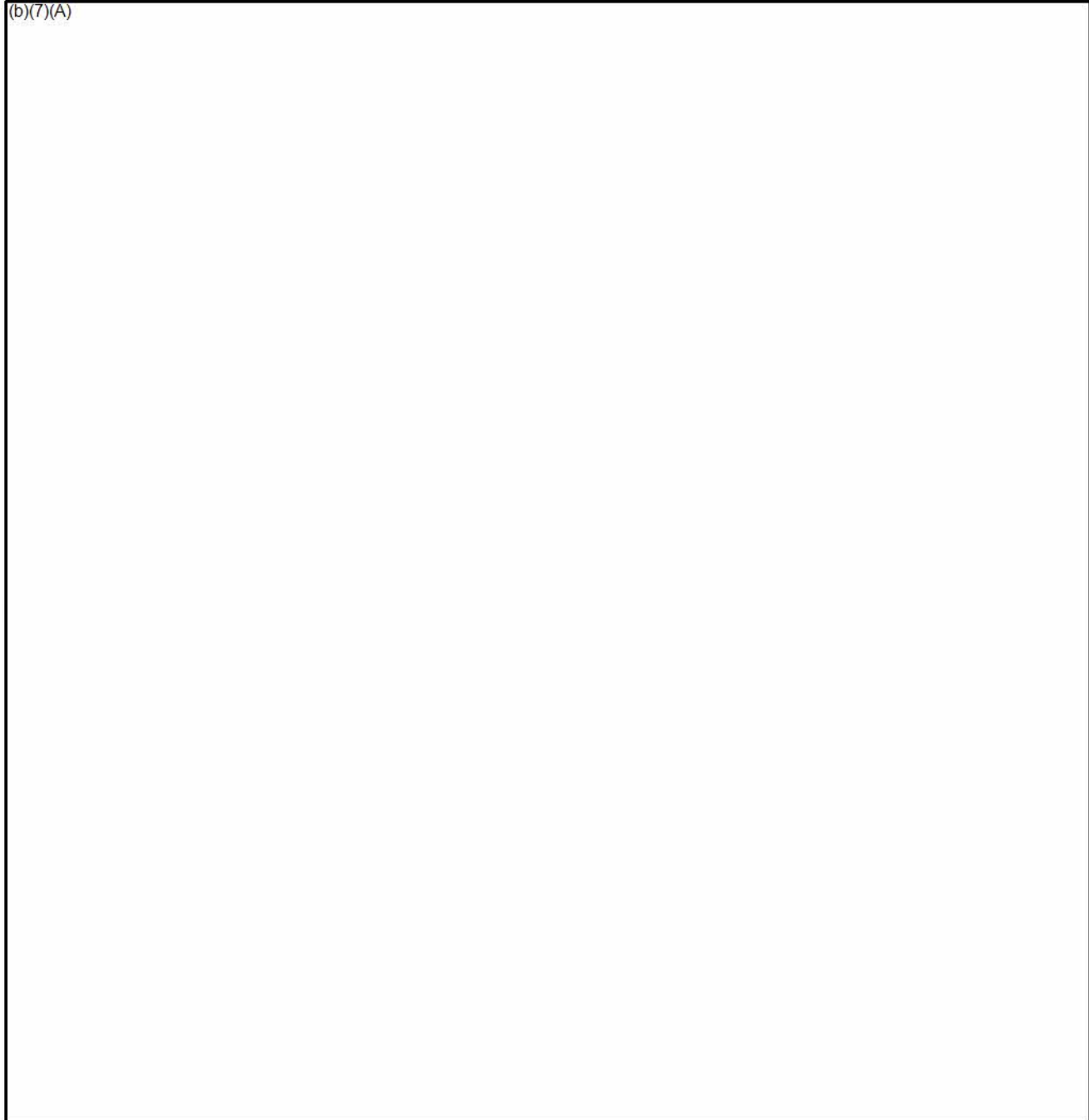
OCR Case No. 02-15-2410

Union College (the College)

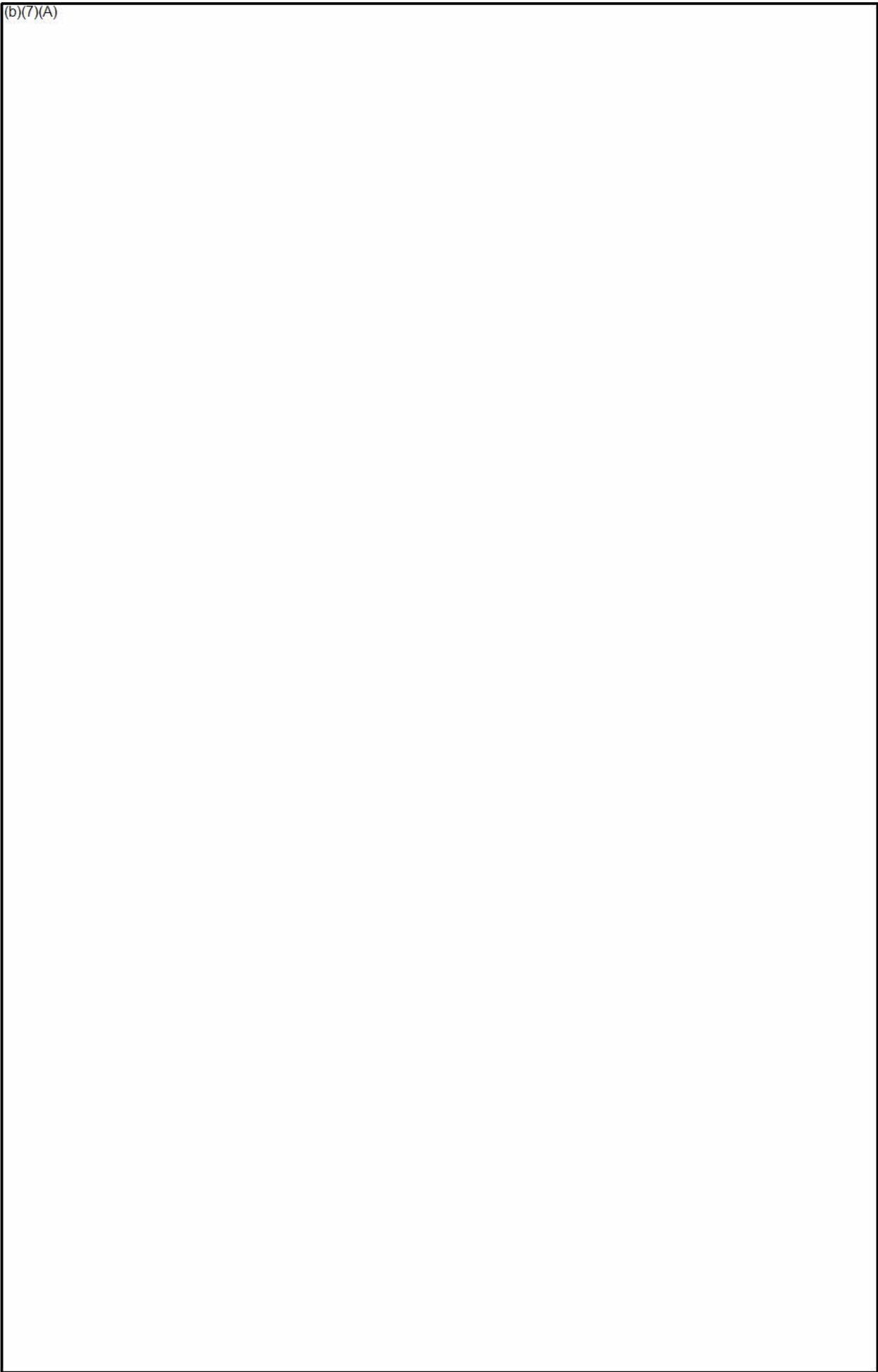
Nonresponsive (the complainant)

**RESPONSE DUE** (b)(7)(A)

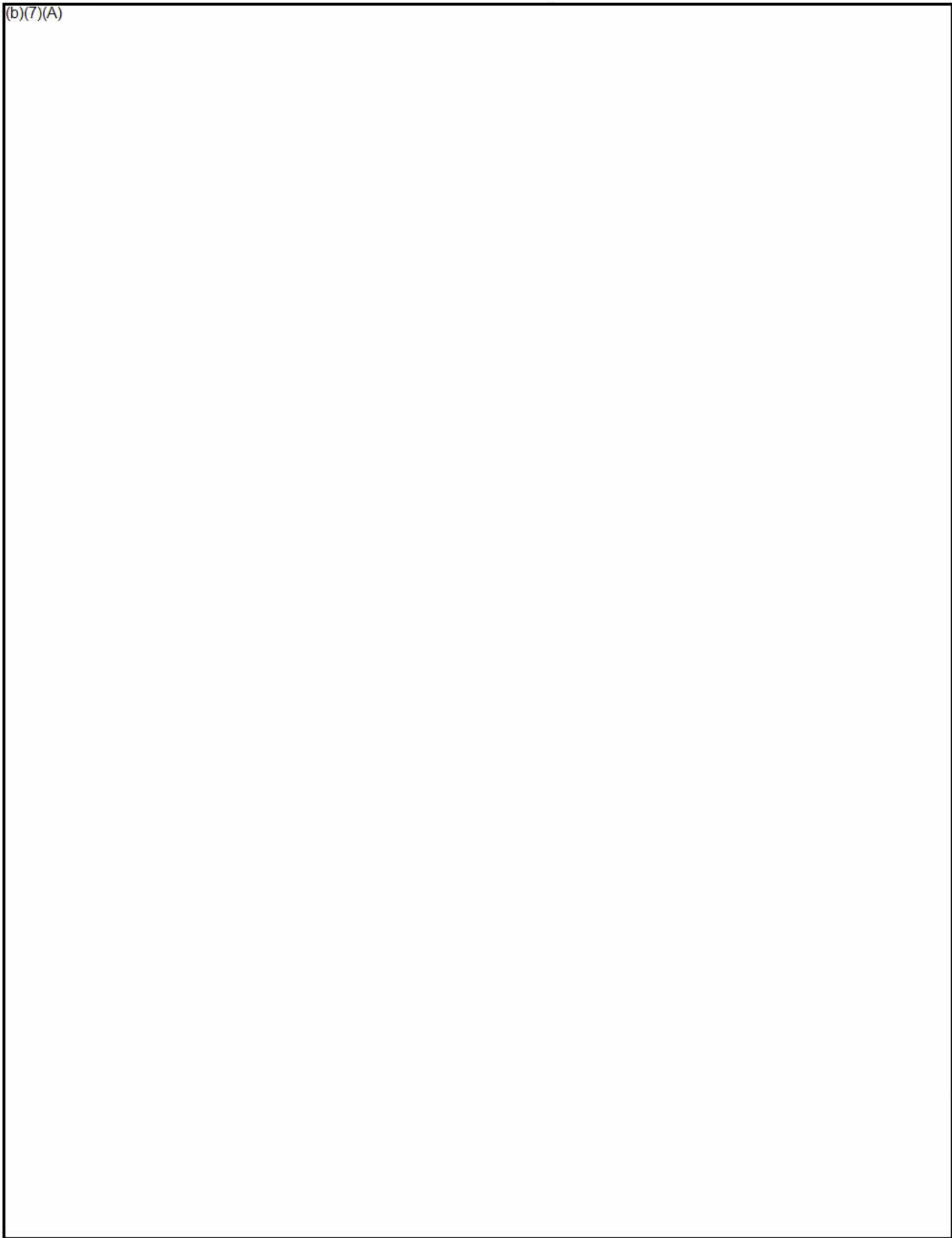
(b)(7)(A)



(b)(7)(A)



(b)(7)(A)







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TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

September 16, 2015

Nonresponsive

Re: Case No. 02-15-2410  
Union College

Dear Nonresponsive:

On July 30, 2015, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint you filed against Union College (the College). You alleged that the College discriminated against you, on the basis of your sex, by failing to provide a prompt and equitable response to an allegation of a sexual assault that you reported to the College on or about Nonresponsive. Based on the information provided in your complaint and subsequent electronic mail correspondence, OCR has determined that this allegation is appropriate for investigation.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The College is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

Because OCR has determined that it has jurisdiction and that the allegations were filed in a timely manner, it is opening the allegations for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. 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 legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of OCR's Case Processing Manual.

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in the letter entitled, "Some Information About OCR's Case Processing Procedures," which was formerly provided to you with the letter acknowledging your complaint, and is available on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#II>.

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

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If you have any questions, please contact Eric Bueide, Compliance Team Attorney, at (646) 428-3851 or [eric.bueide@ed.gov](mailto:eric.bueide@ed.gov); or Aditi Shah, Compliance Team Attorney, at (646) 428-3897 or [aditi.shah@ed.gov](mailto:aditi.shah@ed.gov).

Sincerely,



Erin Emery  
Compliance Team Leader