



August 13, 2012

Seth Galanter
Deputy Assistant Secretary for Policy
Office for Civil Rights
U.S. Department of Education
Via e-mail: seth.galanter@ed.gov

Dear Seth:

I want to thank you for allowing the Association for Student Conduct Administration (ASCA) to submit questions regarding the April 4, 2011 Dear Colleague Letter. This is an issue that has on the minds of many individuals working in student conduct since the letter was published.

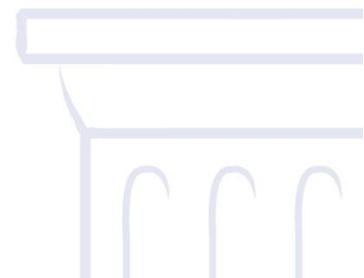
To gather information, I sent a survey link out to our entire membership and allowed individuals to provide questions. The questions were gathered utilizing the major topic areas outlined in the Dear Colleague Letter:

- Title IX Requirements
- Notice of Nondiscrimination
- Title IX Coordinator
- Grievance Procedures
- Prompt and Equitable Response
- Notice of Grievance Procedures
- Adequate, Reliable and Impartial Investigation of Complaints
- Designated and Reasonably Prompt Time Frames
- Notice of Outcome
- Education and Prevention
- Remedies and Enforcement

Attached you will find the questions that were most applicable to student conduct administrators. If you have any questions regarding the attached document or if ASCA and our members can be of service, please feel free to contact me at jenniferw@asca.tamu.edu or 979-845-5262.

Sincerely,

Jennifer L. Waller
Executive Director



Title IX Requirements:

- How can we accommodate survivor's request for anonymity if requested while complying Title IX requirements?
- What is OCR doing to communicate with law enforcement and prosecutors about the expectations that University's have for resolving cases while law enforcement or local courts are still processing an investigation and/or going through a trial process?
- Where does a public institution's obligation to avoid interfering with freedom of speech collide with their obligation to stop sexual harassment?

Prompt and Equitable Response

- If an event occurs the week before graduation, must a panel be convened and a decision reached, even if both students graduate and leave the university.
- What is the university's obligation to hold a hearing if a student withdraws from the university?

Notice of Grievance Procedures

- What is the timing requirement for the notice of Grievance Procedures?
- Where does the Notice of Grievance Procedures need to be posted and to whom do they need to be provided? Is it sufficient to post on intranet or website or does the college need to send to each individual employee and student?

Adequate, Reliable and Impartial Investigation of Complaints

- There is still a lot of confusion, it seems, over the institution's responsibility to follow through with charges against a student when a victim is unwilling to cooperate. Can a student's statement to police be used anonymously without their consent if it is deemed a threat to the community to not act? If there is other evidence, can it be used without the victim's consent?

Designated and Reasonably Prompt Time Frames

- What guidance does OCR have for timelines as it relates to semester breaks (e.g., summer) when students (complainants and victims) are often not present? What is the University's obligation in such circumstances? Similarly, how might timelines be affected graduation or other forms of elongated academic recess (e.g., student withdrawals)?

Notice of Outcome

- Our outcomes generally involve educational projects, counseling and substance-abuse assessment (along with probation or suspension). Since all of these things are wrapped-up in the violation, it is confusing what we report and what we cannot report due to FERPA.
- Is it required to notify the victim in situations where the victim has refused to participate in the conduct process?

