



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
MIDWESTERN DIVISION, CHICAGO OFFICE

(b)(6), (b)(7)(C)

OCT 5 2006

Re: #05-06-2156

Dear

(b)(6), (b)(7)(C)

On August 8, 2006, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint of discrimination on the basis of sex filed against the University of Wisconsin - Madison (University). You alleged that the University discriminated against you on the basis of sex. Specifically, you first alleged that, in April 2004, two male students sexually assaulted you off campus in the Edgewood neighborhood after a party you had attended. You further alleged that the University discriminated against you by failing to promptly and appropriately respond to your July 13, 2005 report of the April 2004 sexual assault.

Title IX of the Education Admendments of 1972 (Title IX) and its implementing regulations at 34 C.F.R. Part 106 prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to the provisions of Title IX and its implementing regulations.

OCR cannot proceed with your first allegation because the facts alleged are not sufficient to state a claim that, if true, would constitute a violation of Title IX or its implementing regulations. The Title IX regulations, at 34 C.F.R. 106.31, prohibit discrimination on the basis of sex in any education program or activity operated by the recipient. Since the alleged assault occurred at an off-campus location and did not take place in an educational program or activity operated by the University, your allegation does not raise an issue of possible noncompliance by the University with Title IX or its implementing regulations.

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[www.ed.gov](http://www.ed.gov)

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With respect to your second allegation concerning the District's response to your July 13, 2005 report of the April 2004 sexual assault, you indicated that you reported the incident to the Interim Assistant Dean of Students. You believe that the University's response was not prompt and appropriate because the Dean's Office and Campus Police failed to inform the Athletic Office of the reported incident, failed to enforce a "no contact" directive, failed to report the incident to the District Attorney's Office, and failed to interview witnesses.

OCR cannot proceed with your second allegation because the facts alleged are not sufficient to state a claim that, if true, would constitute a violation of Title IX or its implementing regulations. As noted above, the Title IX regulations prohibit discrimination on the basis of sex in any education program or activity operated by the recipient. In addition, the Title IX regulations, at 34 C.F.R. 106.8, require recipients to adopt complaint procedures for complaints alleging any action prohibited by the Title IX regulations. Based on the facts as alleged, your July 13, 2005 report to the University concerned the alleged off-campus sexual assault and did not include any allegation of possible discrimination in an educational program or activity operated by the University. Thus, your allegation concerning the timeliness and appropriateness of the University's response does not raise an issue of possible noncompliance with Title IX or its implementing regulations.

Based on the foregoing, OCR is closing your complaint effective the date of this letter. We regret that we were unable to be of assistance to you in this matter. If you have any questions or concerns about OCR's determination, you may contact me or Mr. Leo Stopa of my staff at 312-886-8434. If you still have concerns after speaking with us, you may send a written request for reconsideration focusing on any specific legal or factual concerns that could change the disposition of the case to the Director of the Chicago Office at the above address within 60 days of the date of this letter.

Sincerely,  
*Madonna T. Lechner*  
Madonna T. Lechner  
Team Leader