

Ms. Margot Mayer
Address
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Via E-Mail

Office for civil Rights
New York Office
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
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Re: Title IX Complaint Against Vassar College

My name is Margot Mayer, and I am currently an incoming senior at Vassar College (“Vassar”). I currently live at _____. My telephone number is _____. And my email address is: _____.

I am filing this complaint against Vassar College (“Vassar”). The Dean of the College is located at 124 Raymond Avenue, Box 3, Poughkeepsie, NY 12604. Vassar discriminated against me on the basis of my sex and my Bipolar 1 and Anorexia Nervosa Disorders, and also retaliated against me for exercising my rights under Title IX. In February 2015, I filed a Title IX grievance against my former boyfriend for two instances of sexual misconduct – rape and digital penetration – as well as verbal/emotional abuse. Throughout the Title IX investigation and proceedings, Vassar failed to provide appropriate interim measures, especially in light of my Bipolar I and Anorexia Disorders, as well as my perpetrator’s history of drug and alcohol abuse. During this time, Vassar also consistently tried to prevent me from continuing with the formal Title IX process, and instead pushed me to withdraw or settle my grievances privately with my perpetrator. Once Vassar ultimately found my perpetrator responsible for raping me/sexual misconduct after a formal Title IX hearing in April 2015, the school not only allowed my perpetrator to stay on campus until the end of the academic year, but both the Title IX office and the Dean of the College entirely failed to address any of my multiple complaints that I was being harassed by my perpetrator despite a no-contact order being in place.

Vassar was originally founded as a women’s college in 1861. It remained a women’s institution until 1969. Given its history, I expected that Vassar would treat me with respect, and process my grievance with compassion and a victim-centered perspective. Unfortunately, when I most needed my school’s support, Vassar fell far short of its responsibilities under Title IX, and violated my federal civil rights.

For all these reasons, Vassar's Title IX policies and procedures must be investigated. I also respectfully request that the OCR work with Vassar College to provide appropriate remedies and improve Vassar's policies and guidelines as the OCR deems appropriate. Below, please find a detailed description of each of Vassar's acts of discrimination against me. All of the conduct described herein occurred on or after February 9, 2015.

Vassar's Acts of Discrimination

During the investigation and adjudication of my Title IX grievance against my perpetrator, Vassar discriminated against me by creating and perpetuating a hostile environment where I was subjected to repeated harassing encounters with my perpetrator and made to believe that withdrawal or private settlement, rather than Title IX, was the appropriate channel for my grievances against my perpetrator. This caused me repeated panic attacks, anxiety, nausea, sleeplessness, manic episodes related to my Bipolar I Disorder, and intense paranoia about moving around campus. While studying abroad, I withdrew from a university class because I was still experiencing emotional and mental turmoil related to the attacks. (See Exhibit A.) Such conduct on Vassar's part is clearly prohibited under Title IX as a form of discrimination. See United States Department of Education, Office for Civil Rights, *Questions and Answers on Title IX and Sexual Violence*, 1 (2014) (outlining how a university can discriminate on the basis of sex by creating and perpetuating a hostile environment where the conduct at issue is so serious that it limits the student's ability to participate in or benefit from the school's educational program).

Vassar also failed to take prompt and effective steps to eliminate this hostile environment when it allowed my perpetrator to stay on campus and live in close proximity to me and failed to address my repeated complaints that he was harassing me. Vassar's conduct again is clearly in violation of Title IX. See *id.*

Finally, Vassar retaliated against me for exercising my rights under Title IX when it tried to silence me rather than encourage me to go through the formal Title IX process.

These acts of discrimination are further detailed below:

1. Vassar Failed to Provide Proper Interim Measures to Protect Me.

Vassar failed to provide proper interim measures to protect me during the Title IX grievance process. Once I filed my grievance, I had the "right to receive some immediate help, such as changing classes, dorms, or transportation." United States Department of Education, Office for Civil Rights, *Know Your Rights: Title IX Requires Your School to Address Sexual Violence*, 1 (2014). Title IX also requires recipients to take "interim action to protect the complainant" which "minimize[s] the burden on the complainant." *Questions and Answers* at 32-33. I would imagine that such interim measures are all the more important when a claimant has alleged something as serious as rape; and when the alleged rapist lives in close proximity to the claimant on campus.

While Vassar issued a no-contact order following my filing of the Title IX grievance, it did nothing to enforce the order and failed to even investigate serious violations of the order, in violation of Title IX. United States Department of Education, Office for Civil Rights, *Questions*

and Answers at 43 (2014). My attorney and I made Vassar aware of seven (7) separate examples where my perpetrator violated the no-contact order, likely in retaliation for filing the grievance against him. (See Exhibit B at 2-4, 6-7.) My attorney even wrote to the Title IX officer in charge of my case, Mr. Julian Williams (“Mr. Williams”), emphasizing that one of the violations of the no-contact order included the perpetrator skateboarding around my residence outside of my window, and requested that something be done immediately. (*Id.*) I also filed three separate official security reports, in addition to the repeated emails asking Vassar to intervene and protect me from my perpetrator’s retaliation. At best, Vassar told me it had “reminded” the perpetrator of the no-contact directive. (*Id.*) Indeed, Mr. Williams told me that any retaliation would have to be handled by ██████████ the Title IX investigator, and that he would provide the information to ██████████ so she could “begin to gather information.” (*Id.*) To my knowledge, however, no investigation was done. And no additional remedies were offered for the perpetrator’s obvious and repeated violations.

I fulfilled my responsibility to report any subsequent retaliation to Vassar. Vassar failed to investigate and protect me as Title IX requires. *Questions and Answers* at 43. Vassar clearly knew or should have known about my perpetrator’s repeated acts of retaliation—Mr. Williams was directly informed, and I filed three separate, formal security reports. I felt that Vassar did not care about my safety or well-being. As a result, I experienced repeated panic attacks, acute fear of leaving my home and walking around campus, and a generally hostile environment.

Vassar also failed to relocate my perpetrator in a timely manner. When I filed the Title IX grievance in February 2015, I essentially shared a living space with my perpetrator. We both lived in the Town Houses offered by Vassar. Although we technically lived in separate buildings, the Town House living area only has one entrance or exit, guaranteeing that we would be in almost daily contact. Vassar allowed my perpetrator to remain in the Town Houses with me for more than two weeks. (See Exhibit C, attached.) Initially, Vassar declined to move the perpetrator. It was only after ██████████ the Sexual Assault Violence Prevention Coordinator, reiterated my concern about my living arrangement, that Mr. Williams agreed to meet with me to “try to better explain the reasoning.” (See Exhibits C and D, attached.) After that meeting, Mr. Williams *asked* the perpetrator if he would be willing to relocate, and the perpetrator agreed. (See Exhibit D.)

My own home felt like a hostile environment because of Vassar’s failure to relocate the perpetrator in a timely matter. When the school finally relocated him, Mr. Williams advised me that my perpetrator was “not banned from the Town Houses or any other location on campus so there is still the possibility that you may see him on campus.” (See Exhibit D.) This only made me feel more in danger and insecure in my own home, even after my perpetrator was finally removed. No escort around campus was even offered.

2. Vassar Pressured Me to Drop My Complaint and Settle Privately With the Perpetrator in the Sexual Violence Investigation.

In blatant disregard for this Office’s guidance that informal mediation is inappropriate where a student has made any allegations of sexual violence (United States Department of Education, Office for Civil Rights, *Dear Colleague Letter*, 8 (2011)), Vassar pressured me to informally settle my grievance with the perpetrator.

On March 17, 2015, I met with Mr. Williams and [REDACTED]. At the meeting, Mr. Williams informed me that my perpetrator had hired an attorney and was now offering to withdraw from Vassar if I rescinded my grievance and signed a written statement prepared by my perpetrator's attorney. (See Exhibit E, attached; see also Exhibit F, attached.) Mr. Williams also told me that rescinding my complaint would guarantee that the perpetrator would be off-campus for the rest of my time at Vassar. He also told me that I should make a decision before Spring Break, so that the process would not be "drawn out." He further advised that if I decided not to settle, there would not be anyone available to hear my case, because every member of the faculty involved in Title IX grievance procedures had left in the past two months, and they would have to hire someone outside the university. And finally, he also told me that I had no guaranteed outcome if I chose to continue with the formal Title IX proceedings.

Shockingly, during this discussion, Mr. Williams also told me that having charges filed was emotionally difficult for the perpetrator. (See Exhibit F.) This clearly caused me a great amount of emotional pain. I felt significant pressure to drop my complaint and settle. As I described in an email with a friend, Mr. Williams' inappropriate and unprofessional behavior triggered significant mental and emotional distress in me. (*Id.*)

Because I had alleged acts of sexual violence in my grievance (see *Questions and Answers* at 1 (defining sexual violence as "physical sexual acts perpetrated against a person's will . . . including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion")), it was entirely inappropriate and a violation of my rights under Title IX for Vassar to have pressured me into settling with my perpetrator and/or withdrawing from the school.

3. The Sanctions Imposed on My Perpetrator Were Woefully Inadequate and Ineffective and Only Perpetuated an Already Hostile Environment.

Vassar failed to provide prompt and equitable remedies after finding the perpetrator responsible for raping me and other acts of sexual violence. When sexual violence is involved, "imposing sanctions against the perpetrator, without more, likely will not be sufficient to satisfy [the school's] Title IX obligation." *Questions and Answers* at 34.

Vassar only applied limited sanctions against the perpetrator. He was only suspended for one year, and Vassar permitted him to finish the academic school year, thereby delaying his suspension until the fall, which is less than a prompt remedy. The Vassar Student Handbook itself notes that any sanctions are to be imposed "immediately." *Vassar Student Handbook*, 175 (2014). Moreover, [REDACTED], the Title IX Investigator, even admitted that the sanctions should have been imposed immediately, and the significant emotional impact on me of seeing the perpetrator on campus after the hearing "could have been remedied if the sanction of suspension had been imposed immediately." (See Exhibit G at 2.) Instead, because of the delay, I continued to see the perpetrator on campus. No effort was made to keep me and the perpetrator separated, even when on campus. This caused more repeated panic attacks and greatly aggravated my Bipolar I Disorder, causing multiple manic episodes.

My perpetrator's suspension was also an entirely insufficient remedy. Because this case involved sexual violence, sanctions alone are not enough under Title IX. I was not offered counseling, a campus escort, academic counseling, or medical services, as a result of the Title IX hearing

outcome. The perpetrator was also not offered counseling. Because of my documented Bipolar I Disorder, aggravated by Vassar's inappropriate behavior during the grievance procedure, and my repeated panic attacks and fear of traveling around campus, some or all of these remedies were needed for Vassar to provide a truly equitable remedy for me.

Vassar's entirely inappropriate behavior throughout the grievance process directly contributed to the hostile environment I experienced on campus. During the early stages of the process, I confided to a friend that, throughout the process, it felt like Mr. Williams did not have my "interests at heart," but seemed focused on protecting the perpetrator's interests. (See Exhibit F.) Unfortunately, the behavior described above does nothing to dispel my intuition that Vassar seemed more interested in saving time and protecting the perpetrator than providing me a prompt, equitable, and safe grievance procedure.

4. Vassar Retaliated Against Me For Asserting My Rights Under Title IX.

Title IX prohibits retaliation against the complainant for filing a grievance, or otherwise exercising her rights under Title IX. See 34 C.F.R. § 106.71 (incorporating Title VI's prohibition on retaliation, 34 C.F.R. § 100.7, by reference). "Four elements must be established to make out a prima facie case of retaliation:

1. The complainant engaged in activities or asserted rights protected under Title IX;
2. The recipient knew of the protected activity;
3. The recipient thereafter subjected the person to adverse action, treatment or conditions; and
4. There is a causal connection between the protected activity and the adverse action, treatment or conditions."

United States Department of Justice, *Title IX Legal Manual*. Forms of retaliation include "intimidating, threatening, coercing, or in any way discriminating against the [complainant.]" *Questions and Answers* at 42-43.

Vassar retaliated against me repeatedly throughout the grievance process. As explained in more detail above, Vassar pressured me to withdraw from the school and/or settle my grievance privately with my perpetrator rather than go through the formal grievance procedure. Throughout the Title IX process, I felt as though I was no longer welcome to enjoy the benefits of being at Vassar because I wanted to exercise my rights under Title IX.

Mr. Williams also accused me of violating the perpetrator's confidentiality and threatened sanctions if I spoke out about my experiences. After the Title IX hearing, someone posted information about the perpetrator being found guilty of sexual assault on the anonymous social media website "YikYak," referring directly to his initials [REDACTED]" I did not make this post. (See Exhibit H, attached.) Mr. Williams emailed me, initially claiming that he was not accusing me of making the posts, but then saying that because the details posted online were only provided to me and the perpetrator, he was "concerned." He then advised me that if I disseminated information about the case, I could be engaging in retaliation under Vassar's policy. While he recognized that Vassar did not prohibit parties from discussing their experiences, he stressed that "confidentiality is a very important part of this process." (*Id.*) I felt silenced—unable to discuss

my experiences and exercise my free speech rights. The perpetrator does not have a right to “confidentiality” under Title IX, but I do have a right to share my experiences. In fact, sharing information is essential to creating welcoming, safe environments for victims of abuse and sexual violence. I felt as though I was being threatened to protect the perpetrator, or else I would face sanctions under university policy. I also felt the university was working to protect the perpetrator at the expense of my rights under Title IX.

Additionally, when I expressed my fear that the perpetrator would again break the no-contact order on “Founder’s Day,” a day where large number of students come together, often while consuming alcohol, the Dean of the College, Chris Roellke, gave me his personal phone number, and told me to call him if anything happened, instead of campus security. This is entirely inappropriate, and made me feel unsafe. I felt that the security services offered to all other Vassar students were unavailable to me because I had exercised my Title IX rights. This feeling was only exacerbated when I learned that the Dean would be out of town on Founder’s Day, making it extremely unlikely he could protect me from the perpetrator with a known, documented tendency to violate the no-contact order and retaliate against me directly. What is more, when my attorney repeatedly contacted Mr. Williams regarding plans to protect me during Founder’s Day, Mr. Williams responded that he had “reminded” the perpetrator he was not allowed to attend the event, despite my attorney’s request that he do more. (*See Exhibit I.*)

Available Witnesses

Potential witnesses include, but are not limited to:

- 1) [REDACTED], who saw the perpetrator’s behavior towards me during and after the grievance procedure, including seeing me hide in fear from the perpetrator after the grievance procedure.
- 2) [REDACTED], who saw the perpetrator deliberately enter a restaurant where he knew I was eating and purposefully make eye contact with me, despite the no-contact order.
- 3) [REDACTED], who witnessed multiple violations of the no-contact order.
- 4) [REDACTED], who assisted security when the perpetrator entered Founder’s Day, and can describe the effect the procedure had on my behavior and well-being on campus.
- 5) Professor [REDACTED], who can testify to the effect of the process on my academic performance.
- 6) [REDACTED], member of campus security who witnessed one of my panic attacks after coming into contact with the perpetrator after the no-contact order.
- 7) [REDACTED] and [REDACTED] also members of campus security who witnessed the perpetrator violate the no-contact order and its effect on me.

- 8) [REDACTED] my attorney, who witnessed much of Vassar's inappropriate behavior towards me.

Appeal

Prior to filing this Complaint, I petitioned Vassar on May 13, 2015, for an appeal of the sanctions ultimately imposed on my perpetrator for raping me and committing other acts of sexual violence, and the Title IX adjudicator's finding that my perpetrator was not responsible for emotional/verbal abuse. (*See* Exhibit J.) This petition was subsequently rejected. (*See* Exhibit K.)

In the petition, I specifically stated that the sanctions imposed were inadequate and improper because events that had transpired since the May 5, 2015 Title IX hearing – the multiple breaches of the no-contact order -- had placed myself and other women in immediate danger. In support, I laid out each and every one of my encounters with my perpetrator since the hearing. In addition, I also pointed out procedural errors that contributed to the inappropriate sanctions, including the failure to account for my perpetrator's history of drug and alcohol abuse, and the Title IX adjudicator's failure to sufficiently probe my perpetrator during the hearing. With regards to the finding that my perpetrator was not responsible for emotional/verbal abuse, I submitted seven statements of witnesses who, while initially unwilling to speak out prior to the Title IX hearing, subsequently became willing to speak to the abuse I suffered after they became aware of the results of the Title IX hearing.

Conclusion

Vassar's conduct throughout the Title IX investigation and hearing process over this past year stands in direct violation of my rights under Title IX. Such disregard for victims of sexual violence cannot go unnoticed or unaddressed. I respectfully request that the OCR investigate this matter further, and work with Vassar College to provide appropriate remedies and improve Vassar's policies and guidelines as the OCR deems appropriate.

August __, 2015

Margot Mayer