



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

January 5, 2022

[REDACTED]

Mark Perry

[REDACTED]

Re: OCR Complaint No. 11-21-2265  
Notification Letter

Dear Dr. Perry:

On September 8, 2021, the Office for Civil Rights (OCR) of the U.S. Department of Education received your complaint against American University. The complaint alleges that the University discriminates against non-Black students on the basis of race by organizing Black affinity sections for its AUx2 course in a manner that violates Title VI of the Civil Rights Act of 1964.

If you disagree with the way OCR stated your allegation, please contact the OCR staff person identified below within 10 days of the date of this letter.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from the Department of Education. Because the University receives federal financial assistance from the Department of Education, OCR has jurisdiction over it pursuant to Title VI.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the complaint in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>. Also, in accordance with the *Case Processing Manual*, OCR will provide a copy of the complaint to the University. OCR also would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Our goal is to resolve your complaint promptly. Information on OCR's complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>. This website includes information about the possibility of mediating your complaint through a process known as

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Facilitated Resolution Between the Parties (FRBP). Also, when appropriate, a complaint may be resolved before OCR completes its investigation. Additional information about this kind of resolution is included on the website under the subheading “Resolution Agreement Reached During an Investigation.”

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Michael Gerton, the OCR attorney assigned to this complaint, at 202-245-6738 or [michael.gerton@ed.gov](mailto:michael.gerton@ed.gov).

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Barmon".

Jennifer Barmon  
Team Leader, Team III  
District of Columbia Office  
Office for Civil Rights