



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

600 SUPERIOR AVENUE EAST, SUITE 750
CLEVELAND, OH 44114-2611



MAY 29 2013

Daniel M. Levy, Esq.
Director of Law and Policy
Michigan Department of Civil Rights
3054 W. Grand Boulevard, Suite 3-600
Detroit, Michigan 48202

Re: OCR Docket #15-13-1120 thru #15-13-1154

Dear Mr. Levy:

On February 8, 2013, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received the complaints you filed against 35 school districts (the Districts), alleging discrimination on the basis of race, color, or national origin (American Indian). Specifically, your complaints allege that the continued use of American Indian mascots, names, and other associated imagery by the Districts creates a hostile environment based on race, color, or national origin and denies American Indian students equal access to the Districts' programs and activities.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department. As recipients of such assistance, the Districts are subject to Title VI and its implementing regulation.

During the evaluation of your complaints, OCR determined that we needed further information and clarification in order to determine whether we had a sufficient basis to initiate an investigation of your complaints. By letter dated March 4, 2013, OCR outlined the type of information we needed before we could determine whether to open your complaints for investigation. On March 18, 2013, OCR staff contacted you by telephone, during which call you explained the information set forth in your complaints and responded to OCR's March 4 letter. You also provided OCR a written response with numerous attached documents on April 1, 2013.

After carefully reviewing all of the information you provided in support of your complaints, OCR is dismissing your complaints for the reasons explained below.

Under OCR's case processing procedures, OCR will not initiate an investigation unless a complaint provides sufficient detail (i.e., who, what, where, when, how) for OCR to infer that discrimination under one of the laws we enforce may have occurred or is occurring.

As OCR informed you in its March 4 letter, in complaints involving mascots, names, and other associated imagery, OCR examines whether the complaint allegations are sufficient to constitute a racially hostile environment. A racially hostile environment is one in which racially harassing conduct takes places that is sufficiently severe, pervasive or persistent to limit a student's ability to participate in or benefit from the recipient's programs or services.

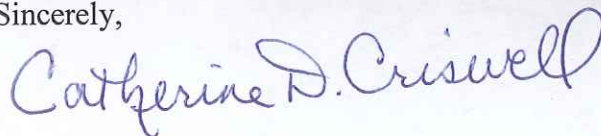
In response to OCR's request for clarification of your complaints, you assert that empirical evidence supports that race-based athletic nicknames and associated activities, including the use of American Indian mascots, are psychologically harmful to American Indian students attending schools with race-based nicknames and that their use denies such students equal access to educational opportunities. You further assert that, given this empirical evidence, OCR should not require identification of specific students or individuals who have been harmed to support a claim. You did not provide to OCR any specific examples of race-based incidents nor identify any students or individuals who have suffered specific harm because of the alleged discrimination at any of the named school districts.

Based on the foregoing, OCR concludes that the information you provided is not sufficient for OCR to infer that racial discrimination has occurred or is occurring. OCR is therefore dismissing your complaints as of the date of this letter.

There may be state and local laws relevant to your complaints. You may wish to consult with a private attorney, local legal aid organization, and/or state or local bar association, which may be able to assist you further.

We regret that we were unable to assist you in this matter. If you have questions or concerns about this letter, please contact OCR staff members Mr. Jason Katz at (216) 522-4977 or Ms. Denise C. Vaughn at (216) 522-7574.

Sincerely,



Catherine D. Criswell
Director

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