



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

March 3, 2020

**Return Receipt Requested**

Certified Mail #: 7015 3010 0001 1267 2965

**In Reply Refer To:**

EPA Complaint No. 03R-20-R4

Pamela S. Whitten, PhD  
President  
Kennesaw State University  
1000 Chastain Road  
Kennesaw, GA 30144

**Re: Rejection and Referral of Administrative Complaint**

Dear President Whitten:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), is rejecting the complaint, filed against Kennesaw State University (KSU) received by ECRCO on February 11, 2020. The complaint alleges that KSU discriminated against a KSU student, on the basis of race and color through the actions of a KSU professor, in violation of Title VI of the Civil Rights Act of 1964 (Title VI). After careful consideration, ECRCO is rejecting and referring the complaint to the U.S. Department of Education, Office for Civil Rights, Atlanta Regional Office, for appropriate action.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

In general, ECRCO will accept, reject, or refer a complaint after considering the jurisdictional requirements described above. However, if ECRCO obtains information leading ECRCO to conclude that an investigation is unjustified for prudential reasons, ECRCO may reject a complaint allegation. For example, ECRCO may reject a complaint allegation if the same

complaint allegation has been filed or is currently pending with another Federal, State or local agency, and it is anticipated that the agency will provide the complainant with a comparable resolution process.<sup>1</sup> It is our understanding that the U.S. Department of Education, Office for Civil Rights' Atlanta Regional Office, is also in receipt of this complaint and it is under review with that office.<sup>2</sup>

In light of the above, we are closing this complaint with ECRCO as of the date of this letter and referring it to the U.S. Department of Education, Office for Civil Rights' Atlanta Regional Office. As stated in the Case Resolution Manual, a complaint may be re-filed with ECRCO within 30 days of the completion of that agency's final action.<sup>3</sup> If the complaint is re-filed, ECRCO will then proceed with its preliminary review to determine acceptance, rejection, or referral.

If you have questions about this letter, please contact Jonathan Stein, by phone at (202) 564-2088, by email at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel

cc: Angelia Talbert Duarte  
Acting Associate General Counsel  
Civil Rights & Finance Law Office

Beverly Banister  
Deputy Regional Administrator  
Deputy Civil Rights Official  
US EPA Region 4

Leif Palmer  
Regional Counsel  
US EPA Region 4

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<sup>1</sup> See Case Resolution Manual, available at [https://www.epa.gov/sites/production/files/2017-01/documents/final\\_epa\\_ogc\\_ecrco\\_crm\\_january\\_11\\_2017.pdf](https://www.epa.gov/sites/production/files/2017-01/documents/final_epa_ogc_ecrco_crm_january_11_2017.pdf)

<sup>2</sup> Additionally, the Department of Education is generally designated the lead Federal agency in relation to Title VI matters concerning higher education. See [https://www.justice.gov/sites/default/files/crt/legacy/2013/04/24/ED\\_Lead\\_Title\\_VI\\_45\\_fr\\_54793.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2013/04/24/ED_Lead_Title_VI_45_fr_54793.pdf).

<sup>3</sup> See fn 1.