



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

October 13, 2023

By email only to sleemkevin@gmail.com

Kevin Sleem
707 Greenland Drive
Fayetteville, NC 28303

Re: Case No. 11-23-2401
University of North Carolina Chapel Hill

Dear Mr. Sleem:

On September 25, 2023, the U.S. Department of Education, Office for Civil Rights (OCR) received your complaint against University of North Carolina Chapel Hill. You alleged that the University discriminated against you based on race and sex in September 2001 when a dorm advisor called the police because he thought he smelled marijuana (Allegation 1). You further alleged that, in September 2023, the University retaliated against you for your unionization efforts, by blocking your University email (Allegation 2).¹

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. OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance. Because the University receives federal financial assistance from the Department of Education, OCR has jurisdiction over it pursuant to Title VI and Title IX.

After carefully reviewing the information you provided, OCR determined that we will not investigate your complaint.

OCR is dismissing Allegation 1 under Section 108(c) of OCR's *Case Processing Manual* (CPM), which states that OCR will dismiss an allegation that was not timely filed if a waiver was not requested or granted. As explained in more detail in Section 106 of the CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the alleged discrimination. You filed this complaint on September 25, 2023, more than 180 days after the

¹ You also alleged that a police detective at Florida Atlantic University discriminated against you based on race and sex when she called your father, your therapist, and your ex-probation officer. This OCR Office is in Region XI, which investigates complaints against universities in Washington DC, Virginia, North Carolina and South Carolina. The OCR Office located in Atlanta handles complaints against universities in Florida. You filed a complaint with the OCR Office in Atlanta against Florida Atlantic University on October 2, 2023 (OCR Complaint 04-23-2364).

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

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alleged event occurred in September 2001, so the allegation is untimely. You requested a waiver of the 180-day filing requirement because you wanted to be safe since a previously filed OCR complaint had been dismissed as untimely. OCR has reviewed your request and declines to waive OCR's 180-day filing requirement. Accordingly, OCR is dismissing this allegation because it was not filed in time.

OCR is dismissing Allegation 2 under Section 108(a) of OCR's *Case Processing Manual*, which states that OCR will dismiss an allegation if OCR lacks jurisdiction over the subject matter of the allegation. OCR enforces federal laws that prohibit discrimination based on race, color, national origin, sex, disability, and age, as well as discrimination in violation of the Boy Scouts of America Equal Access Act of 2001. In addition, the laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding. You did not allege that the University retaliated against you because you asserted rights or privileges under the laws enforced by OCR, or because you filed a complaint, testified, or participated in an OCR proceeding. Rather, you alleged that the University retaliated against you because of your pro-union activities. OCR does not have jurisdiction over the subject matter of this allegation. Therefore, OCR is dismissing Allegation 2.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. OCR 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.

We did not notify the University of your complaint. Nevertheless, 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 against the University 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, OCR will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact me at jennifer.barmon@ed.gov.

Sincerely,

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