



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

JUL 1 5 2015

(b)(6),(b)(7)(C)

(In reply, please refer to docket # 09-15-2392.)

Dear (b)(6),(b)(7)(C)

On (b)(6),(b)(7)(C) 2015, the U.S. Department of Education, Office for Civil Rights (OCR), received your complaint against the University of California, Berkeley (University). You alleged that the University discriminated against a student on the basis of sex. Specifically, you allege that the University failed to promptly and equitably respond to a sexual violence complaint that (b)(6),(b)(7)(C) filed with the University.

OCR enforces Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 which prohibit discrimination on the basis of sex in programs and activities operated by recipients of Federal financial assistance. The University receives funds from the Department and is subject to the above laws and their regulations as enforced by OCR.

We have determined that the allegation is appropriate for investigation under the laws enforced by OCR. OCR will proceed with resolution of the complaint.

Please note that your allegation will be investigated at the same time as the open OCR investigation of the University's response to notice of sexual harassment/assault, under docket # 09-14-2232. This investigation includes the following classwide allegations: whether the University failed to promptly and equitably respond to sexual violence complaints, reports and/or other incidents of which it had notice and whether the University's failure to provide a prompt and equitable response to notice of sexual violence allows students to be subjected to a hostile environment on the basis of sex. In addition to the classwide allegations, OCR is investigating individual allegations regarding the University.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely or qualified for a waiver of the timeliness requirement, it is opening this allegation for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence

from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual*.

We will contact you or your designated representative soon to discuss the allegation and complaint resolution process. OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the *Case Processing Manual*.

Federal regulations prohibit the Recipient from retaliating against you or from intimidating, threatening, coercing, or harassing you or anyone else because you filed a complaint with OCR or because you or anyone else take part in the complaint resolution process. Contact OCR if you believe such actions occur.

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

If you have any questions about this letter, please contact Ava De Almeida Law, Investigator, at (415) 486-5513 or Christina Medina, Attorney, at (415) 486-5548.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara Berman', with a long horizontal flourish extending to the right.

Sara Berman
Team Leader