



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

April 2, 2020
VIA ELECTRONIC MAIL

Carol T. Christ
Chancellor
University of California, Berkeley
Office of the Chancellor
200 California Hall, #1500
Berkeley, California 94720-1500

(In reply, please refer to case number 09-14-2232.)

Dear Chancellor Christ:

The Office for Civil Rights (OCR) of the United States Department of Education has been monitoring a Resolution Agreement (Agreement) signed on February 20, 2018, to resolve compliance concerns identified in the above-referenced complaint. In the complaint, OCR examined how the University responded to notice of sexual harassment and/or sexual violence. This letter is to report the completion of OCR's monitoring of the University's implementation of the Agreement. As of the date of this letter, OCR is closing this case.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 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 education programs and activities receiving financial assistance from the Department. The University is a recipient of financial assistance from the Department. Therefore, OCR had jurisdiction to investigate this matter.

In the Agreement, the University agreed to undertake several actions. First, OCR confirmed that the University adopted and posted a revised notice of non-discrimination that includes a statement that inquires may be directed to OCR. Second, OCR confirmed that revisions to the system-wide sexual harassment policy and procedure were consistent with the requirements of the Agreement. Third, the University provided documentation of its review of specific matters where OCR identified significant concerns and/or violations to determine if further action was warranted. OCR confirmed that in all of these cases, none of the complainants were current students, requiring further equitable relief. In one case, the University provided training regarding the University's policy against sexual harassment for students participating in an extracurricular activity.

In addition, the University provided documentation to OCR of all complaints resolved through an alternative resolution process for the last two years, and all formal Title IX investigations involving faculty or staff and that were referred to a discipline process for the school year (2019-20) following the University's implementation of its revised policy and procedures. In all cases, OCR confirmed that the University's actions conformed with the requirements of the revised policy and procedure, including providing notice to both parties and resolving complaints through a reasonably prompt timeframe. Finally, OCR reviewed the University's training programs for faculty, members of the faculty peer review committee, and graduate students regarding the revised policies and procedures, prohibition on retaliation, and reporting procedures. OCR confirmed that the University has established training programs consistent with the requirements of the Agreement and has created accountability systems to ensure that faculty and students complete the training.

Based on the documents provided to OCR during the course of the monitoring of this case, including the most recent submission of information, OCR has determined that the University has complied with the Agreement and is closing this case as of the date of this letter. OCR notes that the implementation of the Agreement does not preclude any changes the University may make to its sexual harassment policy and procedure in order to come into compliance with changes to the Title IX regulations.

OCR thanks the University staff for their cooperation over the years in working with OCR throughout the course of the monitoring of the Agreement. OCR especially thanks Denise Oldham from the Office for the Prevention of Harassment and Discrimination for her cooperation and assistance in ensuring that OCR obtained the information it needed in the monitoring of the Agreement. If you have any questions, please contact Ava De Almeida Law, Senior Investigator, at (415) 488-5513 or Alexis Turzan, OCR Attorney, at (415) 486-5572.

Sincerely,



Anamaria Loya
Acting Regional Director
San Francisco Enforcement Office

Cc: Denise Oldham, Director, Office for the Prevention of Harassment and Discrimination