



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

August 18, 2014

Ms. Mildred García, Ed.D.
President
California State University, Fullerton
P.O. Box 34080
Fullerton, California 92834-9480

(In reply, please refer to case no. 09-13-2283.)

Dear President García:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against California State University, Fullerton (University). The Complainant¹ alleged discrimination on the basis of race/color (African-American). Specifically,

1. The Complainant was subjected to harassment by University employees based on race and color, and the University failed to respond appropriately and effectively to notice of the harassment; and
2. The Complainant was graded differently than other students based on race and color.

OCR initiated an investigation of this complaint under the authority Title VI of the Civil Rights Act of 1964 and its implementing regulation. Title VI prohibits discrimination on the basis of race, color or national origin in programs and activities operated by recipients of Federal financial assistance. The University receives funds from the Department and is subject to Title VI and the regulation.

OCR began gathering evidence through reviewing documentation provided by the University and the Complainant and interviewing University staff.

Under Article III, Section 302, of OCR's Case Processing Manual, a complaint may be resolved at any time before the conclusion of an investigation when the University expresses an interest in resolving the complaint. Prior to OCR concluding its investigation, the University expressed an interest to resolve the complaint voluntarily. OCR and the University entered into an agreement to resolve the complaint on August

¹ OCR notified the University of the Complainant's identity when the investigation began. We are withholding the Complainant's name from this letter to protect the Complainant's privacy.

14, 2014, which addresses the issues raised by the complaint. Accordingly, OCR did not complete its investigation or reach conclusions regarding the University's compliance with Section Title VI.

Pursuant to the attached Agreement, the University has committed to develop and institute a system for the review and resolution of campus investigations, which is consistent with the requirements of Title VI. The University will appoint a designated University-level official with appropriate training on the requirements of Title VI to oversee investigations regarding Title VI. The Agreement also requires the University to provide mandatory training and guidance to faculty and staff for the 2013-2014 and 2014-2015 academic years. The University has also agreed to provide the Complainant with an opportunity to retake her final exam, and to consider whether to take corrective action against the faculty member who failed to recognize the Complainant's attempt to file a discrimination complaint with the University. The University will also conduct employee and climate surveys.

OCR is closing this complaint as of the date of this letter. OCR will monitor the University's implementation of the agreement. Resolution of this complaint should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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.

The Complainant may have the right to file a private suit in federal court, whether or not OCR finds a violation.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

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

Page 3 – 09-13-2283

We wish to thank the University, especially Lori Gentles, Vice President, Human Resources, Diversity and Inclusion and Monique Shay, University Counsel for their cooperation and assistance in resolving this matter. If you have any questions about this letter or OCR's resolution of this complaint, please contact G. Anthony Brown, Attorney, at (415) 486-5547.

Sincerely,

/s/

James Wood
Team Leader

Enclosure

cc: Monique Shay, University Counsel
Lori Gentles, Vice President, Human Resources, Diversity and Inclusion