



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

April 8, 2015

Judy C. Miner, Ed.D.
President
Foothill College
12345 El Monte Road
Los Altos Hills, California 94022

(In reply, please refer to case number 09-14-2240.)

Dear President Miner:

This letter is to notify you of the closure of the investigation of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), against Foothill College, a part of the Foothill-De Anza Community College District. OCR investigated whether the Complainant was subjected to sexual harassment by a College instructor during the 2013-14 academic year, and whether the College failed to respond appropriately and effectively to an internal complaint that she filed.

OCR investigated the complaint under the authority of Title IX of the Education Amendments of 1972 and its implementing regulation. Title IX prohibits discrimination on the basis of sex in programs and activities operated by recipients of Federal financial assistance. The College receives Department funds and is subject to the requirements of Title IX and the regulation.

OCR concluded that the College did not provide an adequate procedural response to the Complainant's internal complaint in several respects, and that it took action during the OCR investigation to address some, but not all, of these deficiencies. Based on its review of the College's investigation, along with its own supplementary investigation, OCR found that the Instructor did not sexually harass the Complainant during the 2013-14 academic year. Finally, OCR determined that the College's discrimination complaint procedures, as written, include several elements that do not meet the requirements of the Title IX regulations.

OCR explained its findings to the College's representative by telephone on November 17, 2014, and sent you written findings by letter dated February 23, 2015. The February 23 letter sets forth the applicable legal standards, the facts gathered during OCR's investigation, and the basis for OCR's legal conclusions. On April 7, 2015, you and a District representative signed the attached Resolution Agreement which, when fully implemented, will be sufficient to resolve the areas of noncompliance.

Under the Resolution Agreement, the College and the District agreed to modify Administrative Procedures 4640 in several respects, distribute the modified Procedures to relevant personnel, and include notice of the modified Procedures on websites and in student publications. In addition, the College agreed to take effective action to ensure that the Campus Coordinator executes her responsibilities consistent with the provisions of the Procedures.

Based on the commitments made in the Resolution Agreement, OCR finds the College in compliance with Title IX and the regulations with respect to the issues investigated. This concludes OCR's investigation of the complaint; OCR is closing the investigation as of the date of this letter. OCR will monitor implementation of the Resolution Agreement by the College and the District to completion. OCR is informing the Complainant of the complaint resolution through a copy of this letter. The Complainant may have a right to file a private lawsuit in federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual case should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. It 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.

Please be advised that the College and the District 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 a complaint with OCR 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.

If you have any questions, please contact Julie Baenziger, at (415) 486-5502, or me, at (415) 486-5555.

Sincerely,

/s/

Mary Beth McLeod
Team Leader

cc: John Shupe, Esq.

Complainant

Attachment