



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

December 16, 2014

Lawrence G. Buckley
President
Cañada College
4200 Farm Hill Boulevard
Redwood City, CA 94061

(In reply, please refer to # 09-14-2405.)

Dear President Buckley:

The U.S. Department of Education, Office for Civil Rights (OCR), has resolved the above-referenced complaint against Cañada College (Recipient). The complaint alleged:

1. The Recipient retaliated against the complainant¹ after he engaged in a protected activity; and
2. The Recipient discriminated against female students in its intercollegiate athletics program. Specifically, it was alleged that because the Recipient terminated the female intercollegiate soccer team, the Recipient's program no longer met the interests and abilities of female students.

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 Recipient receives funds from the Department and is subject to the above laws and their regulations as enforced by OCR.

On November 10, 2014, the complainant notified OCR that he wished to withdraw his complaint. Pursuant to Section 110 (I) of OCR's Case Processing Manual, OCR may administratively close a complaint when the complainant withdraws the complaint. OCR has determined that it is appropriate to administratively close allegation one. OCR has determined it is not appropriate to close allegation two as it raises class wide concerns.

Prior to the completion of OCR's investigation of allegation two, the Recipient expressed an interest in resolving the complaint through a resolution agreement (agreement) pursuant to Section 302 of OCR's Case Processing Manual. OCR determined that it was appropriate to resolve the complaint under this section.

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

On December 2, 2014, without admitting to any violation of the law, the Recipient signed the enclosed agreement to resolve this complaint. In the agreement the College will reinstate the women's intercollegiate soccer team to its full competitive status in the College's intercollegiate athletics program no later than the beginning of the 2015 season; secure qualified coach(es) for the women's intercollegiate soccer team; and provide the coach(es) with support and resources consistent with that provided to other intercollegiate coaches to adequately recruit new team members. In addition, the resolution agreement provides that failure by the College to implement any of the terms contained in the agreement, may result in the renewal of OCR's investigation of the class-wide interests and abilities allegation.

Based upon the signed agreement, OCR is closing the investigative phase of this complaint as of the date of this letter, and will begin to monitor the implementation of the agreement. OCR is informing the complainant by concurrent letter. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Recipient 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 complainant may file another complaint alleging such treatment.

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.

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.

Your cooperation is appreciated. If you have any questions about the complaint, please call Robert Danese, Civil Rights Investigator, at (415) 486-5512, or Christina Medina, Civil Rights Attorney, at (415) 486- 5548.

Sincerely,

/s/

Mary Beth McLeod
Team Leader

Enclosure: Resolution Agreement

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cc: Eugene Whitlock
Vice Chancellor, Human Resources and Employee Relations