



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

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September 28, 2018

VIA ELECTRONIC MAIL

Henry T. Yang
Chancellor
University of California, Santa Barbara
5221 Cheadle Hall
UC Santa Barbara, California 93106

(In reply, please refer to case no. 09-17-2423.)

Dear Chancellor Yang:

In a letter dated June 1, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), notified the University of California, Santa Barbara (the University) of the above-referenced complaint filed by the Complainant (the Student).¹ The investigation of this complaint addressed whether:

1. The Student was denied a prompt and equitable resolution of a Title IX sexual harassment complaint made against her; and
2. The Student was subjected to different treatment on the basis of race when she was indefinitely suspended under Student Conduct Code Section 105.08, when this section is not applied to other similarly situated students of different races.

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 programs and activities receiving financial assistance from the U.S. Department of Education (the Department). OCR also investigated the complaint under the authority of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the bases 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 IX, Title VI, and their implementing regulations.

To investigate this complaint, OCR conducted interviews with the Student and with the University's Title IX Officer, the Title IX investigator assigned to this investigation, and the

¹ OCR identified the Complainant in its initial notification letter to the University and is withholding her name from this letter to protect her privacy.

Senior Associate Director in the University's Office of Judicial Affairs. OCR also reviewed the Complainant's full case file and other documents provided by the Complainant and the University, as well as the case files of other potentially similarly situated students.

After careful review of the information gathered in the investigation, OCR identified a compliance concern with respect to Issue 1 as to whether the University's investigation was prompt as required under Title IX and its implementing regulation, but OCR found insufficient evidence to conclude that the University violated Title VI and its implementing regulation with respect to Issue 2. As to Issue 1, prior to OCR completing its investigation and making a compliance determination, the University expressed an interest in voluntary resolution pursuant to section 302 of OCR's Case Processing Manual (CPM), and OCR determined it was appropriate to do so. The legal standards, facts gathered, and the reasons for OCR's determinations are summarized below.

Issue 1: Whether the Student was denied a prompt and equitable resolution of a Title IX sexual harassment complaint made against her.

Legal Standard

The regulation implementing Title IX, at 34 C.F.R. § 106.31, provides that “. . . no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any . . . education program or activity” operated by recipients of Federal financial assistance. Sexual harassment is unwelcome conduct of a sexual nature that creates a hostile environment and is a form of sex discrimination prohibited by Title IX.

Under Title IX and the regulations, once a university has notice of possible sexual harassment by a student that took place in a university program or activity, it is responsible for determining what occurred and responding appropriately. The university is not responsible for the actions of the student, but rather for its own discrimination if it fails to respond promptly and equitably to the parties when it investigates the matter. When responding to alleged sexual harassment, a recipient must take immediate and appropriate action to investigate or otherwise determine what occurred. The inquiry must be prompt, equitable, reliable, and impartial.

Facts Gathered to Date

On September XX, 2016, the Student, an African-American woman who was just starting the first semester XX XXX XXXXXXXXXX XXXX at the University, was involved in an incident where she was arrested for threatening an individual who she was alleged to be romantically involved with.²

² To the extent that the Student was alleging that the Title IX office was proceeding without authority in investigating this incident because she was not in a relationship with the male individual, OCR confirmed that the Title IX office had information provided by the police to suggest that the incident of violence was in the context of a romantic or intimate relationship, which is consistent with misconduct defined as dating violence under the University's Title IX policy. On March XX, 2017, the Investigator notified the Student of the same. In this regard, the police noted that the Student had described the man as her boyfriend and that the man had told police he was in a dating relationship with the Student.

Specifically, the Student and a male individual were allegedly involved in a dispute in the Student's apartment, after the male individual XXXX XXX XX XXXXX XXX. The male individual, who was not a University student, allegedly told police he was the Student's boyfriend. The Student later told the University that the male individual had grabbed her and shook her during their conversation. After that dispute, he left the apartment. Shortly thereafter, the Student saw a video of him on social media dancing with other girls in another XXXXXXXXXXXX XX XXX XXXX XXXXXXXXXXXX XXXXXXXXXXXX.

The Student grabbed a number of items from a drawer in her kitchen, including a knife, and went XXXXXXXXXXXX XX confront the male individual. The Student yelled at him to come out XX XXX XXXXXXXXXXXX, and threw the kitchen utensils, including the knife, against the exterior wall XX XXX XXXXXXXXXXXX. The male individual came out XX XXX XXXXXXXXXXXX to speak with the Student. The Student told the University that she told the male individual that if he touched her again, she would kill him and that she made this statement when the knife was on the ground after she had thrown it at the wall. However, the police report cited a witness stating that the Student pointed the knife at the male individual and stated, "I'm gonna kill you." After this dispute, the Student and her roommates picked up the knife and other kitchen utensils XXX XXXXX XXXX XXXXXXXXXXXX XX XXXXX XXXXXXXXXXXX.

According to the police report, a security camera XXX XXX XXXXXXXXXXXX XXXXXXXX showed the Student walking downstairs with the kitchen utensils and then later back up the stairs, but did not show the interaction between the Student and the male individual at issue. The Student was arrested and an emergency protective order was issued by a court against her.

University Policies and Procedures

The University is part of the University of California system. The University of California's Sexual Violence and Sexual Harassment policy at the time of this incident was the policy issued January 1, 2016. That policy defines Dating Violence as "conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury." The policy provides that as soon as practicable after receiving a report, the Title IX Officer will make an initial assessment to determine whether the report alleges an act of conduct prohibited by the University and such conduct has a "sufficient nexus with the University" for it to intervene. The policy provides that "the investigation shall be completed promptly, typically within 60 business days of its initiation, unless extended by the Title IX Officer for good cause followed by written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline." The University's local procedure, effective January 4, 2016, provides that "the investigation shall be completed within sixty (60) University business days from the date on which the report was received by the OEOSH/TC [Office of Equal Opportunity and Sexual Harassment / Title IX Compliance].

The system-wide discipline policies for the University of California include a provision (Section 105.08) that allows for interim suspension before final determination of an alleged violation. It states that a student shall be restricted only "to the minimum extent necessary" when there is reasonable cause to believe that the student's participation in University activities or presence

will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property, or “other disruptive activity incompatible with the orderly operation of the campus.” The local procedure provides that an initial assessment by OEOSH/TC and the Office of Judicial Affairs will determine whether “interim suspension” is recommended to the Vice Chancellor for Student Affairs.

Overview of the University’s Response and Investigation

On September XX, 2016, the University’s Title IX office received an email from the University Police Department that provided information about the incident, as described above. Because the alleged victim was not a student, unless the University had some indication of an on-campus hostile environment related to the incident, OCR would not necessarily interpret Title IX to require a response by the University in this instance. Nonetheless, the University did respond under their Title IX process.

On September XX, 2016, the University’s Office of Judicial Affairs placed the Student on interim suspension. In a letter to the Student that day, the University’s Vice Chancellor of Student Affairs (Vice Chancellor) explained that the interim suspension was based on the allegation that the Student “went to a residence to locate a non-affiliated male with approximately two knives, a spoon, and a can opener ... banged on a window XX XX XXXXXXXXXXXX XXXXXXXX with a large kitchen knife in pursuit of a non-affiliate male. When he stepped out to speak with you, you began yelling at him, pointed a knife at him while stating, ‘I’m going to kill you,’ and then threw a knife at the male.” None of the reports reviewed by OCR included an allegation that the Student threw a knife at the male individual. Rather, witnesses stated that the Student threw a number of items, including the knife, at the wall. The letter also referred the Student to the University’s local procedures, which included the sixty business day timeframe for complaint resolution.

The Student told OCR and the University that shortly after the incident the District Attorney decided not to pursue criminal charges against her. On October XX, 2016, the University’s Associate Director of Judicial Affairs (the Associate Director) conducted a meeting with the Student to provide her an opportunity to share the impact of the interim suspension and why she felt that she was not a threat to the University community. The Associate Director told OCR that she made a recommendation to the Vice Chancellor to keep the interim suspension in place based on her conclusion that the Student still posed a threat to the University community because she had taken a kitchen knife and made a direct threat to kill someone. On October XX, 2016, the Vice Chancellor notified the Student in writing that the interim suspension would remain in place until after the conclusion of the investigation.

On October XX, 2016, approximately one month after the incident, the Title IX office contacted the University Police Department by email to ask for contact information for the male individual. Within 30 minutes, the University Police Department responded to say that they could not provide his contact information because he was not affiliated with the University, but it could forward communications from the Title IX office to him.

On November X, 2016, the Student emailed the Office of Judicial Affairs to ask for contact information for the Title IX coordinator. The Title IX Officer responded to say that an investigation had not yet been opened and that the matter was in its initial assessment stages. Shortly thereafter on that same day, a staff member from the Title IX office emailed the University Police Department with a message to forward to the male individual asking if he would be willing to meet with the Title IX office. That email was forwarded by the University Police Department to the male individual on November X, 2016. On December X, 2016, the Title IX office emailed the University Police Department asking them to forward a second message to the male individual regarding whether he would like to participate in the Title IX process.³ On December XX, 2016, the Title IX Officer and the investigator decided to move forward with the investigation.

On January X, 2017, the Student again emailed the Office of Judicial Affairs to ask for information about the investigation; she noted that she had called the Title IX Officer numerous times and left messages but had not received a response and believed the investigation would be over, based on the 60 day timeline.

On January XX, 2017, the University sent the Student and the male individual a letter stating that the University was opening an investigation into the September XX, 2016 incident. Between January XX, 2017 and May XX, 2017, the Title IX office investigated the matter. The Investigator interviewed four people: the Student, the police officer who responded to the incident, and two other witnesses suggested by the Student. A third witness identified by the Student declined to participate. The Investigator also contacted the apartment complex to attempt to obtain the video from the incident and attempted to find contact information for three other witnesses (XXX XXXXX XXXXXX XX XXX XXXXXXXXXXXX XXXXXXXXXXXX XXXXXX XXX XXXXXXXXXXXX XXXXXXXXXXXX) through social media but was unable to do so. The investigation also included the time period in which the Investigator debriefed the Student, responded to concerns raised by the Student after the debrief, and drafted the investigative report.

On March XX, 2017 and March XX, 2017, the Investigator emailed the Student and asked her to provide a copy of the police report, based on her references in a March X, 2017 statement to how the police report supported her version of events. On April X, 2017, the Student provided the Title IX office with a copy of the police report.⁴

On April XX, 2017, the Investigator sent the Student a notice stating that the investigation had now lasted beyond 60 business days, measured from the date the investigation was initiated on January XX, 2017. The notice explained the reasons for the delay to include initial outreach efforts to the male individual, the TIX office's initial assessment of whether to open the matter, given the male individual's non-participation, an additional outreach to the male student on

³ The Title IX Officer told OCR that the University's practice at that time was to make two outreach attempts to individuals seeking to file complaints and to allow two weeks after each attempt for them to respond. She told OCR that subsequently the Title IX office has changed its procedure to only allow one week for a response between outreach attempts instead of two weeks.

⁴ To the extent that the Student was objecting to the Investigator's request for a copy of the police report based on her understanding that the University already had a copy of the police report, OCR notes that the Investigator asked the Student for a copy of the police report based on the Student's statements that the police report confirmed her version of events, and because the University did not have the original police report.

January XX, 2017, coordinating with law enforcement, and making efforts to contact non-affiliated witnesses through the University database and social media.

On May XX, 2017, the Title IX office issued a 21-page report recommending to the Office of Judicial Affairs that the Student be found responsible for dating violence with the aggravating factor of menace. On June X, 2017, the Office of Judicial Affairs returned the matter to the Title IX office for further review as to whether the Student's XXXXXXXXX XXX XXX XXXXX XXXXX may have affected her on the night of the incident because that information, previously obtained by the Office of Judicial Affairs, had not been previously shared with the Title IX office. On June XX, 2017, the Title IX office reissued a revised report, which reaffirmed the recommendation that the Student be found responsible for dating violence.

On July XX, 2017, the Office of Judicial Affairs notified the Student that it had found her responsible for dating violence. The decision stated that the Student's threat to kill was an aggravating factor, but the fact that the Student did not intend to carry out serious bodily injury was a mitigating factor. The University issued her a two-year suspension, which was upheld on appeal on approximately September XX, 2017. That two-year suspension included the one school year that had already elapsed while the investigation was ongoing, as well as one additional year (the 2017-18 school year).

The July XX, 2017 decision was issued approximately nine and a half months, or 290 days (194 business days) after the initial report was received by the University on September XX, 2016. The University asserted that the Student's failure to provide witness information on a timely basis caused some delays in the process, specifically an estimated nineteen business days.

The University also provided information on the timeline for other Title IX investigations over the course of 2014-15, 2015-16, and 2016-17 school years, which showed that for the ten students who received Title IX-related interim suspensions, the average length of the interim suspension was 259 days, or almost nine months.

Analysis

The Student's complaint to OCR alleged that the University's investigation process was not prompt, as required by the Title IX regulations. Whether OCR considers an investigation to be prompt as required by Title IX will vary depending on the complexity of the investigation and the severity and extent of the alleged conduct. Here, approximately nine and a half months passed between the date when the University process began and the date when the University found the Student responsible for dating violence and issued its sanction.

OCR identified a compliance concern as to whether this investigation was prompt under the Title IX regulations. Specifically, the University notified the student of the allegation against her and then suspended her from all University programs and activities on September XX, 2016, three days after receiving notice of the incident. However, the University did not initiate its investigation until approximately three and a half months later, on January XX, 2017. Part of this delay was due to the fact that the University delayed five weeks before attempting to reach

out to the male individual on November X, 2016, and then delayed another five weeks to conduct a follow-up outreach attempt.

In order to complete its investigation and make a compliance determination as to promptness, OCR would have needed to conduct additional interviews with current and former University employees staff to further understand the reasons for these delays. However, prior to the conclusion of OCR's investigation, the University agreed to enter into a resolution agreement to address OCR's compliance concerns. The resolution agreement requires the University to develop a plan to ensure that future complaints of sexual violence and sexual harassment receive prompt resolutions.

As a matter of technical assistance, OCR also notes that the University did not communicate effectively with the Student regarding the expected timeline for the investigation, including connecting her with the Respondent Services Coordinator during the first three and a half months of her interim suspension.

Issue 2: Whether the Student was subjected to different treatment on the basis of race when she was indefinitely suspended under Student Conduct Code Section 105.08, when this section is not applied to similarly situated students of different races.

Legal Standard

Under the Title VI regulations, at 34 C.F.R. §100.3(a) and (b), a university may not treat individuals differently on the basis of race, color, or national origin with regard to any aspect of services, benefits, or opportunities it provides. Section (b)(1) (ii) and (v) state that a university may not, directly or through contractual or other arrangements, on the basis of race, color or national origin, provide an individual any service, financial aid or other benefit that is different, or is provided in a different manner, from that provided to others; or treat an individual differently in determining whether he or she satisfies any admission, enrollment, eligibility or other requirement which must be met to receive any service, financial aid, or other benefit.

To determine whether a student has been discriminated against on the basis of race under Title VI, OCR looks at whether there is evidence that the student was treated differently than students of other races under similar circumstances, and whether the treatment has resulted in the denial or limitation of services, benefits, or opportunities. If there is such evidence, OCR examines whether the university provided a nondiscriminatory reason for its actions and whether there is evidence that the stated reason is a pretext for discrimination. For OCR to find a violation, the preponderance of the evidence must establish that the university's actions were based on the student's race.

Facts

The Student's complaint to OCR asserted that an interim suspension had been issued to her and at least one other African-American student, and that interim suspensions were not being issued to students of other races. The Student did not provide any other evidence regarding race discrimination to OCR.

OCR obtained records regarding all allegations of dating violence over the 2014-15, 2015-16, and 2016-17 school years. During that period, there were 68 allegations of dating violence or domestic violence at the University, and an investigation was completed or the case was still open (as of the date the information was provided) in 13 incidents.⁵ Of those 13 incidents, an interim suspension was issued to five students (including the Student). Among that group of 13 students, OCR compared whether African-American students were more likely than other students to receive interim suspensions for dating violence. OCR's initial analysis showed that for allegations of dating violence or domestic violence where an investigation was completed or where the case was still open, there were three African-American student respondents, and all three (including the Student) received an interim suspension. For students of all other races where an investigation was completed or where the case was still open, there were ten students and two received interim suspensions.

OCR reviewed the complete incident files for all of the students who did not receive an interim suspension to determine if they were similarly situated to the Student.⁶ Specifically, OCR focused on five students who were accused of incidents that were potentially violent in nature. OCR determined that four of those five students were not similarly situated to the Student because they involved incidents of potential self-harm or because the incident was not comparable in the level of threats or violence alleged in the Student's case. The fifth student, Student A, is discussed in more detail below.

Student A

Student A, a white male student, was the one student where a dating violence investigation was initiated but where the student did not receive an interim suspension. In Student A's case, X---paragraph redacted---X. The University told OCR that the Title IX office did not consider an interim suspension upon receiving the initial police report because it had very limited information (only a four-sentence police report) and it had not been able to contact the female student.

X---paragraph redacted---X.

X---paragraph redacted---X.

X---paragraph redacted---X.

⁵ In the other 55 incidents, the University had decided not to open an investigation because there was not sufficient actionable evidence to proceed (53 cases) or because the case was resolved without an investigation through an alternative resolution (2 cases).

⁶ After reviewing all thirteen full files, OCR determined that there were only six incidents where the University opened an investigation into an allegation of dating violence or domestic violence, and five of the incidents resulted in an interim suspension. That is, seven of the students originally identified by OCR were situations where the case was still being evaluated by the University at the time OCR first received information, but where the University later determined that there was not sufficient evidence to open an investigation. Of the six students where an investigation was opened, all three of the African-American students received an interim suspension, while two of the three students of other races received an interim suspension.

The Title IX Officer told OCR that she and the Director of Judicial Affairs eventually recommended to the Vice Chancellor that no interim suspension be issued to Student A. The University did not provide any written evidence about how or when this recommendation was provided. The Title IX Officer told OCR that the basis for that recommendation was that the situation was assessed by the University and that the University concluded that based on Student A's conduct record, his criminal record, the favorable outcome of the criminal case, and the absence of a prior Title IX history, the University did not find sufficient information to impose any interim measures.

The Title IX Officer also told OCR that the University considered an interim suspension for Student A when he returned to campus for XXXXXX XXXXXXXX and at that time they had not received any information that he had done anything XXXXX XXXXXXXX to suggest that he would be a threat when he returned.

Student A was charged with dating violence under UCSB policy. On June XX, 2017, the University completed its investigation of Student A and found that he was responsible for dating violence with the aggravating factor of the use of physical force. On July XX, 2017, the University issued its sanction of a three year suspension from campus and a three year hold on his degree and diploma (XXXXXXXX XX XXX XXXXXXXX XXXXXXXXXXXX XXX XXXXXXXX XX XXX XXXX XXX XXXXXXXXXXXXXXXXXXXX XXX XXXXXXXXXXXX).

OCR asked the University for information about why Student A did not receive an interim suspension, whereas the Student did receive an interim suspension. The Title IX Officer stated that unlike the Student's case, Student A's case did not involve a weapon or a death threat. The Title IX officer also stated that the Student's case differed from the incident involving Student A because in the Student's case, detailed information from police described a greater threat of violence.

Length of Interim Suspensions in Other Cases

OCR analyzed the length of all Title IX-related interim suspensions at the University over the 2014-15, 2015-16, 2016-17 school years. OCR found that the average length for an interim suspension as of June 2017 was approximately 259 days. The Title IX report in the Student's case was initially completed 241 days after the initial report of the incident. The amended report was completed 276 days after the initial report was received.

Analysis

OCR analyzed whether there were students of other races who were in similar circumstances but treated differently. As described above, OCR found certain students accused of dating violence involving allegations of some level of physical violence who did not receive interim suspensions. However, when OCR reviewed the case files, only one of those cases, involving Student A, involved a similar situation with an allegation of a comparable level of one-sided physical harm. The facts surrounding the University's decision not to suspend Student A on an interim basis were conflicting, but OCR made the following determinations.

In August 2016, the Program decided not to suspend Student A on an interim basis because criminal charges had not been brought against him. This was a different standard than had been applied by the Title IX office in the Student's case, where criminal charges also had not been brought against her. The University was notified of the Program's decision to allow Student A to attend the Program but did not intervene.

The Title IX office later gathered additional information XXXX XXXXXXXX XXX XXXXXXXXXXXXXXXX which supported the original allegations to police, but the University declined to suspend Student A on an interim basis based on that information. The University said that the decision was based on Student A's conduct record, his criminal record, the favorable outcome of the criminal case, and the absence of a prior Title IX history.

OCR found that the Student and Student A were similarly situated. Both students were charged with "dating violence" under UCSB policy. Both students had no previous record, were originally detained by police and were eventually not charged by the district attorney. Finally, both students were eventually found responsible for dating violence with aggravating factors.

OCR therefore analyzed whether Student A was treated differently than the Student and whether that treatment was justified by a legitimate non-discriminatory reason, or whether the preponderance of the evidence was that the different treatment was based on race.

OCR found that the Student was treated differently in that only she was suspended on an interim basis. The different treatment was especially stark in that the initial decision not to remove Student A from the Program was based on the fact that criminal charges had not been brought against Student A, but criminal charges had also not been brought against the Student and she was still suspended on an interim basis.

With respect to whether there was a legitimate non-discriminatory reason for the different treatment, the University noted that the Student's situation involved a "weapon and a death threat," whereas Student A's situation did not involve a weapon or death threat. The University also noted that the police report in the Student's case was long and detailed and included witness statements, whereas the police report in Student A's case was only a few sentences, giving the University less information with which to make an informed decision. There were also two other potentially relevant differences between the two cases. First, because Student A was X XXXXXXX, the University had XXXXX prior years of interaction with Student A, whereas the Student was an XXXXXXXX XXXXXXXX who the University had no track record with. And second, while the University did make its own determination in October about whether to issue an interim suspension, that determination may have been affected by the fact that the Program had already withdrawn and then reinstated Student A. Once Student A had completed the Program without reported incident, the University had additional information on which to feel comfortable in allowing Student A to return while the investigation continued.

Based on these facts, OCR found that there was not sufficient evidence to conclude that the University's decision to suspend the Student on an interim basis constituted discrimination on the basis of race under Title VI. In reaching this decision, OCR is not simply assessing whether it would have made the same decision as the University as to each student, but is rather assessing

whether the preponderance of evidence supported the conclusion that the University's actions were based on race.

Here, the preponderance of evidence pointed to reasons other than race as the source of the different treatment. As described above, the initial decision not to suspend Student A was made by the Program, which had a different understanding than the University's Title IX office about whether the University could remove a student from school even though criminal charges had not been brought. OCR also found that there were distinguishing factors in the Student's case, including the presence of a weapon, the additional detail available in the police report, and the University's lack of prior interaction with the Student, that could have reasonably supported treating the Student differently by issuing her an interim suspension. OCR also notes that the fact that the Student's two-year sanction was less than Student A's three-year sanction provides evidence that the University's earlier different treatment of the Student in issuing the interim suspension was not pretext for discrimination on the basis of race. OCR therefore found that there was not sufficient evidence to find that the University's action in issuing the interim suspension violated Title VI.

OCR also considered whether the length of the investigation showed any evidence of race discrimination. OCR did not find any evidence that the length of the investigation in this case was related to race. OCR found that the average length of an interim suspension for other cases that involved interim suspensions was 259 days. The investigation in the Student's case was initially completed in 241 days, within the range of what appeared to be normal for this University. OCR also found no evidence that the reopening of the investigation (which caused a slight further delay) was in any way related to race. In reviewing the materials related to the investigation, OCR also found no other evidence that suggested race discrimination with respect to the length of the investigation.

OCR therefore found that there was insufficient evidence to conclude that the University violated Title VI with respect to the decision to issue an interim suspension to the Student or with respect to the length of the interim suspension.

Conclusion

This concludes the investigation of this complaint.

To address the issues alleged in the complaint, the University, without admitting to any violation of law, entered into the enclosed resolution agreement that is aligned with the complaint allegations and the information obtained by OCR during its investigation.

Based on the commitments made in the enclosed resolution agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the complainant concurrently. When fully implemented, the resolution agreement is intended to address the complaint allegations. OCR will monitor the implementation of the resolution agreement until the University is in compliance with the terms of the resolution agreement. Upon completion of the obligations under the resolution agreement, OCR will close the case.

OCR's determination in this matter 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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

Please be advised that the University may not harass, coerce, intimidate, retaliate, 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, it will seek to protect, to the extent provided by the law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

Thank you for your cooperation in resolving this case. If you have any questions about this letter, please contact Civil Rights Attorney Blake Thompson at Blake.Thompson@ed.gov or at (415) 486-XXXX.

Sincerely,

/s/

Zachary Pelchat
Team Leader

Blake Thompson
Civil Rights Attorney

Enclosure

cc: Nancy Hamill, Counsel for the University (by email)