



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

November 2, 2017

**VIA ELECTRONIC MAIL ONLY**

Lisa A. Rossbacher  
President  
Humboldt State University  
1 Harpst Street  
Arcata, California 95521

(In reply, please refer to case no. 09-17-2481.)

Dear President Rossbacher:

The U.S. Department of Education, Office for Civil Rights (OCR), has resolved its investigation of the above-referenced complaint against the Humboldt State University (University). The Complainant alleged that the University discriminated against the Student on the basis of sex.<sup>1</sup> Specifically, OCR investigated whether the University failed to provide the Student with a prompt and equitable resolution of her complaint of sexual assault because the University failed to:

1. Provide a reasonably prompt resolution because it took seven months to investigate the Student's complaint, and from January through March 2017, the University failed to respond to requests from the Title IX Office for updates on the case status;
2. Provide interim measures or resources until five months after the sexual assault;
3. Provide the Student with notice of the outcome of the investigation until June XX, 2017, a month after the investigation was completed; and
4. Effectively enforce the No Contact Order that it put in place to prevent harassment.<sup>2</sup>

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). The University is a recipient of financial assistance from the Department. Therefore, OCR had jurisdiction to investigate this matter under Title IX.

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<sup>1</sup> OCR previously provided the University with the identity of the Complainant and Student. We are withholding their names from this letter to protect their privacy.

<sup>2</sup> OCR did not review the University's policies and procedures for compliance with Title IX because that issue was not raised by the Complainant and because the applicable policies and procedures apply to the entire California State University system and are being reviewed in a different OCR matter.

To investigate this complaint, OCR spoke to the Complainant and reviewed documents and written statements provided by the Complainant and the University. With respect to whether the University failed to provide the Student with timely notice of the outcome of the investigation or failed to provide timely interim measures, OCR found that the University was in compliance with Title IX and its implementing regulations. With respect to whether the investigation was not reasonably prompt and whether the University failed to effectively enforce the No Contact Order, under OCR's Case Processing Manual (CPM) at Article III, Section 302, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. The University indicated that it was interested in resolving these issues, and OCR agreed that it was appropriate to do so through a resolution agreement reached during an investigation (Agreement). The applicable legal standards, the facts gathered during the investigation, and the reasons for OCR's determinations are summarized below.

**Issue: Whether the University failed to provide the Student with a prompt and equitable resolution of her complaint of sexual assault.**

### **Legal Standards**

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 that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including acts of sexual violence.

When a student sexually harasses another student, the harassing conduct creates a hostile environment if it is so severe, persistent, or pervasive that it denies or limits a student's ability to participate in or benefit from the recipient's program or activities. If a recipient knows or reasonably should know about student-on-student harassment, Title IX requires the recipient to respond in a prompt and equitable manner by taking immediate action to eliminate the harassment, prevent its recurrence, and address its effects.

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, reliable, and impartial. A recipient must consider the effects of off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity. This includes a review of misconduct that did not occur in the context of an education program or activity but may have had such an impact.

Pending the outcome of a response to a report or an investigation of a complaint, Title IX requires a recipient to take steps to protect the complainant from further harassment as necessary, including taking interim measures. The recipient also should take steps to prevent any retaliation against the student who made the complaint and/or those who provided information.

Other actions may be necessary to repair the educational environment. These may include special training or other interventions, the dissemination of information, new policies, and/or other steps that are designed to clearly communicate the message that the recipient does not tolerate discrimination and will be responsive to any student reports of discrimination.

## **Facts**

The University's Title IX grievance procedures state that the University's goal is to complete its investigation within 60 working days from the initial intake interview. The University provided and OCR reviewed a timeline of all email and phone communications between the Student and the Title IX Office, including the time and descriptions of the University's responses to the Student. The University told OCR that the delays in completing the investigation, which resulted in the investigation being completed in seven months, were due to the police investigation, the campus breaks that occurred while the investigation was ongoing, and staff medical emergencies.

The Student reported the September XX, 2016 sexual assault to the Title IX Office on October XX, 2016. During the intake interview on October XX, 2016 with Investigator 1 and the Deputy Title IX Coordinator, the Student provided oral statements. According to the University, during this meeting, Investigator 1 and the Deputy Title IX Coordinator verbally advised the Student that she may request classroom accommodations, housing accommodations, and a no contact order, and provided her with laminated card containing contact information for the University's counseling and psychological services and an off-campus rape crisis support center. They also informed her she may file a criminal complaint, which would slightly delay a Title IX investigation to allow the University Police to gather evidence.

The University told OCR that the Student never submitted a written complaint, intake form, or written statement. The Complainant told OCR that the Student did submit a written narrative to the Title IX Office in October 2016.

On October XX, 2016, upon the Student's request, the Title IX Office sent a letter to the Student's professors requesting accommodations; on March XX, 2017 and August XX, 2017, the Title IX Office sent additional letters requesting accommodations for the Student. On October XX, 2016, the Student filed a criminal complaint with University Police.

On November X and X, 2016, the Student told Investigator 1 by email that she wanted to pursue the Title IX investigation and a no contact order. Investigator 1 informed the Student she was awaiting confirmation from the University Police that they completed their investigation.

On November XX, 2016, the University received notice that the criminal investigation was completed. On November XX, 2016, the No Contact Order and a Notice of Investigation were sent to the Student and Respondent. The University's month-long finals period and winter break was from December 12, 2016 to January 16, 2017. The University stated that it had a difficult time reaching students who were away from campus to schedule interviews. Students returned to campus on January XX, 2017, and between January XX and February X, 2017, Investigator 1 conducted five interviews.

The University uses a communication system which tracks the retrieval of any confidential documents that are shared with a recipient through a link in an email. The email from the University contains a standard message, which requires the email recipient to enter their Student ID number as an access code to ensure confidentiality. According to the University communication system catalogue of correspondence between the University and the Student, which was reviewed by OCR, Investigator 1 emailed the Student with the link to the Notice of Extension on January XX, 2017 at 5:16 PM, and the Student retrieved the letter on January XX, 2017 at 11:04 AM. The extension notice informed the Student that the investigation would be completed on March X, 2017.

The documentation also shows that, on January XX, 2017, after the Student received the Notice of Extension letter, the Student responded via email to Investigator 1, thanking her for the update. The Student's email response also followed up on a call she made to Investigator 1 to set up a time to meet. In subsequent emails between Investigator 1 and the Student, they finalized a time to meet, specifically February X, 2017 at X PM. On February X, 2017, Investigator 1 met with the Student, and Investigator 1 took notes as the Student discussed an alleged violation of the No Contact Order by the Respondent in January 2017 (see below).

On February X, 2017, Investigator 1 took a leave of absence for medical reasons. As required by the University's protocol, the Deputy Title IX Coordinator, who is also the Dean of Students, then took over the investigation. However, on February XX, 2017, the Deputy Title IX Coordinator was hospitalized due to an unexpected medical emergency. The Deputy Title IX Coordinator was away from campus for about two weeks. During this time, the Title IX Coordinator assigned intake and counseling duties to other employees with Title IX training on an interim basis and began an emergency hire for an interim Title IX investigator.

Investigator 2 arrived on campus on March X, 2017, after the 30-day extension had lapsed. The Student did not know that Investigator 1 had left until she contacted the Title IX Office on March XX, 2017 to report an alleged violation of the No Contact Order (see below) and was then introduced to Investigator 2. The University's timeline shows that there was no communication between February X, 2017, when the Student met with Investigator 1, and March XX, 2017. The timeline from the University does not show communications with the Title IX Office from the Complainant or Student's advocate.

From March XX to XX, 2017, students were on spring break. According to the University's timeline, on March XX, 2017 and March XX, 2017, Investigator 2 emailed the Student to request a meeting. On March XX, 2017, Investigator 2 met with the Student, and according to the University, the Student expressed concern that her prior oral statements to Investigator 1 on February X, 2017 were inaccurate, so Investigator 2 asked her to make additions or corrections. In this meeting, Investigator 2 also shared an article with the Student as an additional resource.

On March XX, 2017 at 11:45 AM, the Student emailed Investigator 2 to provide written information to supplement her oral statements at the February X, 2017 meeting. Investigator 2 responded within 15 minutes to state that no document was attached to the Student's email and to confirm another meeting scheduled at 1 PM that day. On March XX, 2017, the Student emailed

Investigator 2 with her statement, and Investigator 2 responded the next morning thanking her for the statement and providing further information for what she should include in the statement.

From March XX through April X, 2017, the Student continued to revise her statement. On April X, 2017, the Student sent her updated statement to Investigator 2. On April X and X, 2017, Investigator 2 confirmed receipt (he could not initially open the electronic document from the Student).

Investigator 2 interviewed an additional four witnesses from March XX through April XX, 2017. On April XX, 2017, Investigator 2 conducted a meeting with the Student to review the evidence collected ("Review of Evidence" meeting). He also conducted a separate Review of Evidence meeting with the Respondent.

From April XX to XX, 2017, Investigator 2 conducted additional interviews in response to issues raised during the Review of Evidence meetings with the Student and Respondent. On April XX, 2017, the Student provided her rebuttal statement to Investigator 2 in response to issues raised in the Review of Evidence meeting.

On May XX, 2017, the Notice of Investigation Outcome was sent to both parties. The University communication system catalogue of correspondence between the University and the Student shows that the University emailed the Student with the link to the Notice of Investigation Outcome and Report on May XX, 2017 at 1:49 PM. The Student did not retrieve the Notice of Investigation Outcome and Report until June XX, 2017 at 4:35 PM.

On June XX, 2017, the Student emailed the University to request notice of the outcome of the investigation. On the same day, the Assistant to the Deputy Title IX Coordinator emailed the Student and attached the Notice of Investigation Outcome and Report, which he wrote was initially sent on May XX, 2017.

#### *Enforcement of the No Contact Order*

According to the Complainant, Investigator 1 explained to the Student that the No Contact Order prevented the Respondent from harassing the Student in person or through other people. The Complainant asserts that the Student asked for a copy of the No Contact Order, and the University did not provide anything in writing. According to the University, the No Contact Order, along with the Notice of Investigation, was sent to the Student and Respondent on November XX, 2016. The communication system catalogue of correspondence between the University and the Student reflects that the University emailed the Student with the link to the No Contact Order on November XX, 2016 at 6:58 PM, and the Student retrieved the letter November XX, 2016 at 7:59 PM. The University stated it also provided a copy of the No Contact Order to the Student on March XX, 2017.

The No Contact Order contained the following: directed the Student and the Respondent not to have contact with each other and defined contact as communication in any fashion with listed examples of impermissible communication; identified Investigator 1 as the person conducting

the investigation of Student's complaint; and, attached the policy which governs Title IX investigations.

The Student reported a number of instances when she believed the Respondent violated the No Contact Order. The Complainant alleged the University did not respond promptly and equitably to these reports of No Contact Order violations.

*January 2017*

In this regard, the Complainant states that sometime in January 2017, the Respondent was in the XXXXXX XXX less than five feet from the Student, and he kept following the Student around XXX. The Complainant asserts that the Student reported this incident to the Deputy Title IX Coordinator but received no follow-up. According to the Complainant, on March XX, 2017, she called the Deputy Title IX Coordinator, who said that the Respondent denied the incident in the XXX.

According to the University, January XX, 2017, the Student emailed Investigator 1 to request a meeting. They met on February X, 2017, and the Student reported that last week the Respondent walked up to a mutual friend in the XXX as the Student was speaking to the friend. The University did not address the allegation for two months because of Investigator 1's and Deputy Title IX Coordinator's unexpected medical emergencies. The University asserts that Investigator 2 and the Deputy Title IX Coordinator spoke to the Student on March XX, 2017 to provide a copy of and explain that the No Contact Order at the time prohibited contact between the two parties but did not prohibit them from being in the same location. According to the University, the Deputy Title IX Coordinator explained that the Respondent denied the allegation about the XXX incident, and she asked for the name of the mutual friend to verify the allegation, but the Student was unable to provide the name. The University thus determined the allegation could not be confirmed.

*March XX, 2017*

According to the Complainant, on March XX, 2017, the Respondent entered Student's boyfriend's home, even though he was not invited. On the same date, the Student called Investigator 1 to report the violation, and this is when she found out about Investigator 2 because Investigator 1 left the campus. According to the Complainant, two weeks after this incident, the Student followed up with Investigator 2 and the Deputy Title IX Coordinator, who told her there was nothing they could do since the Student's name was not on the lease.

According to the University, the Student alleged the Respondent came to her boyfriend's off-campus house to borrow XXXX XXXXX from another roommate and promptly left. She does not live at the house but was there when the Respondent arrived. According to the University, the Student did not allege that the Respondent interacted with her. The University asserts that Investigator 2 and the Deputy Title IX Coordinator spoke to the Student on March XX, 2017 about this incident. They explained that the No Contact Order did not prohibit the Respondent from being in any particular location but did prohibit him from interacting with the Student. The Deputy Title IX Coordinator told the Student that the University could not restrict the

Respondent from going to other residences, unless those residents had a No Contact Order against the Respondent.

*May 2017*

According to the Complainant, in May 2017, the Respondent threatened the Student at a party. Shortly thereafter, the Student filed a temporary restraining order (TRO) at the Humboldt County Superior Court because the University did not protect her from the Respondent. A TRO was in place from May XX, 2017 to September 2017. According to the Complainant, the Student spoke to the University Police to serve the TRO to the Respondent. OCR did not receive evidence that the University revised or adjusted the No Contact Order in May 2017.

The TRO was extended on September X, 2017 to remain in force until November XX, 2017. The minute order for the TRO extension ordered the Respondent to stay at least 30 yards away from the Complainant. It also stated that the party without mandatory practice could not be in the training area, that the Respondent was required to exit the cafeteria at the further exit from the Student, if the Student was present in the cafeteria, and that the Respondent was required to leave if he saw the Student on- or off-campus, and that whichever party was in the gym first was allowed to stay and the other party must leave.

*August XX, 2017*

According to the Complainant, on August XX, 2017, the Respondent, a XXXXXXXX player, was on the XXXXXX field after the men's XXXXXXXX practice during the start of the women's XXXXXX practice. The Student attended XXXXXX practice because she is on the XXXXXX XXXX. According to the Student, the drill between the two teams was not mandatory, and the Respondent was overheard making a derogatory comment about the female XXXXXX players. The Student waited in the women's locker room until X XXXXXXXXX came to get her. On the same day, the Student reported the violation to the University Police, Investigator 2, and the Deputy Title IX Coordinator.

According to the University, the Deputy Title IX Coordinator met with the athletic director, XXXXXXXX coach, and XXXXXX coach to get more information about the event. The coaches reported that the joint event was to foster inter-team spirit and occurred during a mandatory XXXXXXXXX practice and was voluntary for XXXXXX players. Both coaches confirmed there were no other joint events scheduled.

On August XX, 2017, the Deputy Title IX Coordinator responded to the Student and said she had spoken to the University Police and coaches, and she would inform the Student about whether there was a violation of the No Contact Order. On August XX, 2017, the Deputy Title IX Coordinator emailed the Student and Respondent separately, stating that after reviewing information regarding the August XX, 2017 incident, neither the Student nor the Respondent violated the No Contact Order; she offered to speak to the Student and her advisor to explain the determination.

In response to the Student's then-attorney's request, the Deputy Title IX Coordinator provided a letter explaining her investigation and determination, along with supporting evidence, on August XX, 2017.

*August XX, 2017*

On August XX, 2017, according to the Complainant, the Student and Respondent were both in the XXXXXXXXXXX and the Respondent deliberately walked across the XXXXXXXXXXX to exit through the door closer to where the Student was sitting.

According to the University, the Deputy Title IX Coordinator received the Student's August XX, 2017 email with this allegation and responded within one hour, requesting a meeting or call with the Student to gather more information about this incident. She emailed the Student again on August XX, 2017 because she had not received a response from the Student.

*August XX, 2017*

On August XX, 2017, according to the Complainant, the Student was a passenger in a friend's car, and the Respondent was in the parking lot and stared at the Student to intimidate her. He continued to stare as she made her way from the car to a building, and when she was walking, he was no more than 15 yards from her. According to the Student, she reported this to University Police, and the Sergeant told her that these cases are hard, she should move on, she is not the only one this as happened to, that the Respondent would not really hurt her, and that he was just being a little defiant.

According to the University, the University Police advised the Deputy Title IX Coordinator that the Student reported a possible violation of the restraining order by standing in the roadway while the Student passed him in a vehicle then staring her down as she entered a building. The University Police report stated that an officer spoke to the Respondent, who stated he was in the parking lot talking with friends when a car sped towards them past them; he did not know the Student was in the car until she exited the car and walked to the building. He said he turned his back to her upon seeing her and waited for her to leave the area, and he left after she entered the building. On August XX, 2017, the Deputy Title IX Coordinator requested a meeting or call with the Student to gather more information about this incident.

On September XX, 2017, the University emailed the Student with its findings related to the August XX and August XX, 2017 incidents. With respect to the August XX, 2017 incident, a Title IX Investigator (Investigator 3) interviewed three witnesses the Student identified, and the Deputy Title IX Coordinator interviewed the Respondent. The Title IX Office also spoke to a XXXXXXXXXXX worker. Though one witness stated that the Respondent stared at the Student as he used an exit that forced him to pass close to her, the other two witnesses did not have any specific recollection that the Respondent passed them at the table where they sat with the Student. The Respondent also stated he did not recall seeing the Student in the XXXXXXXXXXX and that he could not use the exit closer to his seat. XXXXXXXXXXX staff confirmed that the doors on one side of the XXXXXXXXXXX were not in use, thus the Respondent had no choice but

to exit as he did. Investigator 3 found that the preponderance of the evidence showed there was no violation of the No Contact Order.

With respect to the August XX, 2017 incident, after interviewing witnesses and reviewing a video of the parking lot, Investigator 3 did not find credible evidence to support the allegation that the Respondent looked at, turned toward, or stared at the Student. The video, as well as testimonial evidence from five witnesses, including the Respondent, showed the Respondent turned his back toward the car the Student was in and did not turn to face the car as it parked or the Student as she walked out of the car to the building. Thus, Investigator 3 did not find that the Respondent violated the No Contact Order.

OCR received evidence that the original No Contact Order, dated November XX, 2016, was amended on August XX, 2017 to: list exclusive use of certain fields for team practices, Weight Room and Cardiovascular Area of Student Recreation Center; establish rules for attending other team's games, including where to sit, no communication with teammates, and more; clarify that the No Contact Order does not restrict either party from being present in the same place, except the new exclusive use provisions; state that the University expected one party to leave a place if the other party was there first. OCR also received evidence that the August XX, 2017 version of the No Contact Order was amended again on September XX, 2017 to discuss enforcement of the TRO, which was extended on September X, 2017. OCR understands that the University and the Student's attorneys are currently in communication to further amend the No Contact Order.

### **Analysis**

OCR found insufficient evidence that the University did not provide the Student with prompt notice regarding the outcome of its Title IX investigation. The evidence shows that the University emailed the Student with the link to the Notice of Investigation Outcome and Report on May XX, 2017, and she retrieved it on June XX, 2017. The Student had previous experience using an email with a link to a confidential letter, since she successfully accessed the Notice of Extension in January 2017. Accordingly, based on a preponderance of the evidence, there is insufficient evidence that the University failed to provide the Student with timely notice of the outcome letter.

With respect to timely interim measures and resources, while the University delayed in issuing the No Contact Order until November XX, 2017, 49 days from the initial intake on October XX, 2017, they did so within 10 working days after receiving the Student's request on November X, 2017. The Complainant and Student did not provide any evidence that the Respondent contacted the Student during this time period. The documents also show that the University requested classroom accommodations for the Student on October XX, 2016, March XX, 2017, and August XX, 2017, and that the Student pursued a criminal investigation through the University Police within five days of the initial intake interview. Given these actions, OCR also found the University credible in its statements that it provided information about filing a criminal complaint, counseling and off-campus resources at the intake meeting on October XX, 2016. Accordingly, based on a preponderance of the evidence, OCR found insufficient evidence that the University failed to provide the Student with timely interim measures and resources. As a

matter of technical assistance, OCR recommends the University provide email confirmation to students with on- and off-campus resources.

However, with respect to enforcement of the No Contact Order, OCR's investigation to date raised a concern that after the Student reported several incidents where she alleged that the No Contact Order was violated, the University may not have assessed whether the form of the No Contact Order was effective. Though Investigator 1 met with the Student on February X, 2017 to discuss her concern that the Respondent violated the No Contact Order in January 2017 at the XXX, the University did not notify the Student of its findings until March XX, 2017, nearly two months after receiving notice of the alleged violation. The Complainant stated that the Student provided the University Police with notice of the Court-ordered TRO, and OCR has a concern that the University received such notice but did not follow-up with the Student to assess whether the No Contact Order needed to be revised and/or additional steps taken to address its enforcement. In addition, OCR has a concern with the University's coordination of the No Contact Order and the Court-ordered TRO, particularly with regard to communicating the orders to appropriate responsible employees, including the University's XXXXXX and XXXXXXXX coaches.

Furthermore, OCR has concerns as to whether the University's investigation was reasonably prompt, because while some of the delay was reasonably due to University breaks, staffing emergencies, and the police investigation, there is evidence the University did not provide the Student with an update that the Title IX Office had staffing changes, notice that it was unable to meet the extended investigation deadline of March X, 2017, or any other status updates between February X and March XX, 2017.

To make a compliance determination with respect to the enforcement of the No Contact Order to prevent a hostile environment and the provision of a reasonably prompt resolution, OCR would have to interview relevant witnesses and review additional documents. Prior to doing so, the University expressed an interest in voluntary resolution, and OCR agreed it was appropriate to do so. Accordingly, OCR has not made a compliance determination.

## **Conclusion**

This concludes the investigation of this complaint. To address the concerns OCR found during the course of investigation, the University, without admitting to any violation of law, entered into the enclosed Agreement which is aligned with the complaint allegation and the findings and information obtained by OCR during its investigation. The Agreement requires the University to develop protocols and provide training to all Title IX Office staff on (1) how the Title IX Office will communicate effectively with the parties when a different investigator/point of contact has been assigned and if a communicated deadline for completing a stage in the investigation process will not be completed in the time originally indicated; (2) how to ensure that Title IX investigations will continue in a reasonably prompt manner in a situation where emergencies have required staffing changes; and (3) how to ensure prompt and effective communication to parties about a no contact order, if issued, including, but not limited to, its scope, impact on extracurricular activities, and how the University will investigate alleged no contact order violations.

Based on the commitments made in the enclosed 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 Agreement is intended to address all of OCR's compliance concerns in this investigation. OCR will monitor the implementation of agreement until the University is in compliance with Title IX and its regulations at issue in 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 regarding this letter, please contact Annie Lee, Civil Rights Attorney, at 415-486-5594 or Annie.Lee@ed.gov.

Sincerely,

/s/

Zachary Pelchat  
Team Leader

Enclosure (1): Agreement

cc: XXXXXX XXXXXXXX, Counsel for the University (via email only)