



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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October 27, 1999

REGION IX
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, California 94102

Dr. James M. Rosser
President
California State University, Los Angeles
5151 State University Drive
Los Angeles, California 90032

(In reply, please refer to Docket Number 09-99-2109.)

Dear President Rosser:

This is to inform you that the U.S. Department of Education (Department), San Francisco Office for Civil Rights (OCR), has completed its resolution of the complaint referenced above. The complainant, Ms. Jessica Liu, alleged that that California State University, Los Angeles (University), discriminated against her on the basis of race, color, national origin, and sex. Specifically, the complainant alleged that the University failed to investigate and resolve a discrimination complaint she filed with the University in July 1998. As explained below, the allegations in the complaint have been resolved through a Voluntary Resolution Plan (VRP). OCR has closed its investigation of the complaint and will now monitor the District's compliance with the VRP.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) 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.

OCR also enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation. Title IX prohibits discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance. The University receives funds from the Department and is subject to Title VI, Title IX and the regulations.

Under OCR's investigation procedures, at any point in an investigation, OCR may administratively close the case if the recipient advises OCR that it is willing to resolve all issues raised by the complainant and provides OCR with a written commitment specifying actions that OCR determines will resolve each issue under applicable legal standards. The University indicated to OCR that it was interested in pursuing voluntary resolution of the complaint.

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On September 30, 1999, prior to any determination by OCR, the University proposed a VRP which, when implemented, OCR determined will resolve the issues raised in this complaint. Under the terms of the VRP, the University has agreed to have an independent investigator re-investigate the complaint allegations initially filed by the complainant on July 7, 1998. The University also agreed to revise its discrimination grievance policies and procedures and to take steps to notify students of these revised policies and procedures. Finally, the University agreed to hire a qualified individual to conduct future investigation of complaints of discrimination under its grievance procedures.

Based on the University's written commitment that the VRP will be implemented, OCR is closing this case as of the date of this letter. OCR will monitor the University's compliance with the assurances contained in the agreement. If the University fails to perform the assurances, OCR may reopen the case and resume its investigation. A copy of the VRP is enclosed.

It should also be noted that OCR also identified concerns regarding the timeliness in resolving complaints under University grievance procedures in another complaint filed with OCR, docket number 09-99-2031. Issues regarding the University's procedures raised in that complaint are also being resolved through the VRP in this case.

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

If you have any questions, please contact Ms. Cynthia Avila, the investigator assigned to this complaint, at (415) 556-4232, or me at (415) 556-4275.

Sincerely,



H. Stephen Deering
Program Manager

Enclosure

Voluntary Resolution Plan
California State University, Los Angeles
Docket Number 01-99-2109

1. By **October 1, 1999**, the University will, in writing, offer to the complainant the opportunity to have a qualified independent person re-investigate the complaint allegations initially filed by the complainant on July 7, 1998. If the complainant accepts this offer, the independent investigator will complete the investigation within 30 days of the complainant's acceptance.

2. By **January 15, 2000**, the University will revise its grievance policies and procedures which are used for investigating student complaints of discrimination based on sex, race, national origin and disability so as to ensure that the following is accomplished and that these policies:
 - a. Apply explicitly to complaints filed by students.
 - b. Include appropriate timelines for completing investigations and do not allow timelines to be automatically extended whenever an "appropriate administrator" is on leave.
 - c. Do not allow complainant's failure to comply with time limits for filing complaints to be used as a basis for rendering a complaint null and void unless they contain an appropriate time limit and include exceptions for when the application of such time limits may not be appropriate.
 - d. Include a procedure for appealing the results of a University investigation of a complaint of discrimination including timelines for appealing and resolving the appeals.
 - e. Establish a system for tracking discrimination complaints filed with the University's Office for Equity and Diversity.

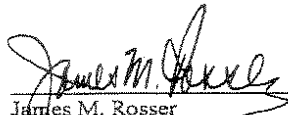
3. The University will hire, after a reasonable search, a person with sufficient training and knowledge to conduct all investigations under the University's procedures for student complaints of discrimination or harassment based on race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, disabled veteran's or Vietnam era veteran's status. Until the University hires this person, the University will contract with a qualified outside consultant to conduct all investigations to be conducted pursuant to these procedures.

4. By **February 28, 2000**, the University will issue a notice to students informing them of their right to file complaints of discrimination based on sex, race, national origin or disability through the University's revised grievance procedures. This notice will also inform students of the name, title location and telephone number of the university representative designated to receive such complaints.

5. By the noted dates, the University will also inform students of its grievance policies and procedures which are used for investigating student complaints of discrimination based on sex, race, national origin, and disability by publicizing them in the University's Catalog (September 2001), Schedule of Classes (June 2000), and the Student Handbook (August 2000). This notice will also inform students of the name, title location and telephone number of the University representative designated to receive such complaints.
- Note: The 1999/2001 University Catalog is in print now. Edits on the 2001/2003 Catalog will not begin until Summer 2000. The Class Schedule is published quarterly; therefore, the next Schedule we could possibly get something into would be Spring 2000. The next issue of the Student Handbook would come out Summer 2000; we have until mid-January to submit edits for that publication.*
6. By **October 1, 1999**, the University will provide OCR with a copy of the written correspondence sent by the University to the complainant offering to reinvestigate her complaint allegations. If the University's offer is accepted, the University will provide OCR with copies of the investigator's final report which will summarize the allegations, describe the steps taken to investigate the allegations, summarize his or her findings and conclusions and make recommendations for correcting any discrimination found by the investigation. The University will document what steps have been taken to implement any recommendations of the investigator. The name, title and qualifications, including training, of the person who conducts the investigation will also be provided to OCR.
7. By **December 31, 1999**, the University will provide to OCR for review, copies of draft policies and procedures revised under Item 2, above.
8. By **January 15, 2000**, the University will provide to OCR a copy of the final grievance policies and procedures revised under Item 2, above, and adopted by the University.
9. The University will report to OCR when a person is hired to conduct investigations under the University's procedures for student complaints of discrimination or harassment based on based on race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age disability, disabled veteran's or Vietnam era veteran's status.
10. By **February 28, 2000**, the University will provide documentation of its compliance with Item 4, above.
11. By **September 2001**, the University will provide documentation of its compliance with Item 5, above.

12. By August 30, 2000, the University will report to OCR how many complaints based on sex, national origin or disability the University received during 1999/2000 academic year and for each complaint:

- when the complaint was received;
- the name and title of the investigator assigned to the complaint;
- when the investigation was completed and the complaint resolved;
- a statement of the final conclusions and any corrective or remedial action taken; and,
- if appealed, the dates the appeal was made and resolved, and the results of the appeal.


James M. Rosser
President

10-8-99
Date