



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

MAY 02 2013

Jonathan Veitch  
President  
Occidental College  
1600 Campus Road  
Los Angeles, California 90041

(In reply, please refer to Docket # 09-13-2264)

Dear President Veitch:

On (b)(6),(b)(7)(C) 2013, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against Occidental College (College). The complaint alleges discrimination on the basis of sex. The complaint allegations are as follows:

1. Students at the College have been subjected to sexual harassment and sexual violence by other students and a College staff member, and the College has failed to respond appropriately and effectively to notice of the sexual harassment and sexual violence.
2. The College has failed to respond adequately to internal complaints filed by students alleging that students had been subjected to sexual harassment and sexual violence, dating back to the 2010-11 academic year.
3. Students who have filed complaints with the College regarding sexual harassment and sexual violence have been subjected to intimidation and retaliation by College administrators and by other students, including further sexual harassment by other students, and the College has failed to respond appropriately and effectively to notice of the intimidation and retaliation.
4. Employees and students who have advocated that the College change its policies and procedures with respect to preventing and responding to sexual harassment and sexual violence have been retaliated against by administrators at the College.
5. The College's consistent failure to respond adequately to complaints by students of sexual harassment and sexual violence has created a hostile environment on campus on the basis of sex.

6. The College has not adopted and published grievance procedures providing for the prompt and equitable resolution of complaints of sex discrimination, including sexual assault and sexual violence.

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

We have determined that the allegations stated above are appropriate for investigation under the laws enforced by OCR. OCR will proceed with resolution of the complaint.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely or qualified for a waiver of the timeliness requirement, it is opening these allegations for investigation. Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual*.

OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the *Case Processing Manual*.

Attached is a request for data and documents necessary to pursue resolution of this complaint. OCR's authority for obtaining information is provided in the Department's regulation implementing Title VI, at 34 C.F.R. § 100.6(c), which is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71. OCR is requesting that the College submit this information within 20 days of the date of this letter (by Thursday, May 23, 2013). If any item in our request is unclear, please contact us at the telephone numbers provided below. Please be aware that it might be necessary for us to make additional requests for information in the future. We will notify you in advance of our proposed plans to visit the College.

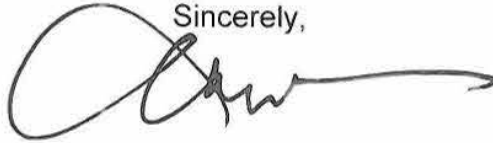
OCR routinely advises recipients of Federal funds and public education entities that Federal regulations prohibit intimidation, harassment or retaliation against those filing complaints with OCR and those participating in the complaint resolution process. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

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.

If you have any questions about this letter, please call Ava De Almeida Law, Investigator, at (415) 486-5513 or Susan Spelletich, Attorney, at (415) 486-5558.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. Love', with a long horizontal flourish extending to the right.

Charles R. Love  
Program Manager

Enclosure

U.S. Department of Education  
Office for Civil Rights, San Francisco

**Data Request**

*Occidental College*  
09-13-2264

Please provide the following information and documents for the academic years 2010-11, 2011-2012 and 2012-2013:

1. A copy of the following College policies, procedures, and documents that have been in effect at any time from fall 2010 to the present. To the extent that these documents are available on the University's website, an appropriate link would be sufficient.
  - a. Title IX policies and procedures regarding discrimination based on sex and, if different, policies regarding sexual harassment and sexual violence.
  - b. Grievance procedures for complaints and other avenues for reporting alleged sex discrimination, and if different, sexual harassment and sexual violence.
  - c. The Student, Staff and Faculty Codes of Conduct and any other document(s) that contain the College's policies and procedures regarding student, staff and faculty behavior and discipline.
  - d. Student, staff and faculty handbooks.
2. For each grievance procedure or complaint process procedure offered to students and used by the College to address sexual harassment and sexual violence or other sex discrimination complaints, if not indicated in the policy or procedure, identify the name and title of each individual, including College police, administrators, staff and students that are responsible for accepting, investigating, deciding or otherwise resolving complaints..
3. Copies of all anonymous sexual harassment and sexual violence reports and complaints submitted on-line through the College's website on the *Sexual Violence Anonymous Reporting Form* and its predecessors.
4. A copy of any:
  - a. internal or external assessments of the adequacy or effectiveness of the College's policies and procedures concerning sexual harassment and sexual violence; and

- b. internal or external recommendations made to the College since the fall 2010 regarding changes to its policy and procedures for responding to or investigating complaints of sexual harassment and sexual violence, including those from the Occidental Sexual Assault Committee and the Sexual Assault Taskforce.

Please provide a narrative response as to whether the College made any changes to its policies and procedures in response to these reports and/or recommendations.

5. Identify the College's Title IX coordinator (or coordinators) for the years stated above, including the person's name and job title, and the dates each person held this position.
6. Explain how the College's policies regarding sexual harassment and sexual violence are (or have been) distributed and publicized to College students, faculty and staff and any other means the College uses (or has used) to notify students, faculty and staff about how to file a complaint of sexual harassment and sexual violence or other discrimination based on sex. Please include documentation or web links that support this response, including but not limited to brochures, distributed flyers, newspaper or web articles, and orientation materials.
7. Provide a detailed description of training provided to College faculty and staff since fall 2010 covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s); and lists of attendees and their positions. Provide copies of any material provided during the training including power point slides.
8. Provide a detailed description of training and information sessions for students (including freshmen orientation) since fall 2010 covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the dates the training was provided and the names, titles, and qualifications of the person(s) who provided the training(s). Provide copies of any material provided during the training.
9. Provide a detailed description of training provided to individuals responsible for investigating complaints of sexual harassment and sexual violence and to members of any committees or boards that hear or decide complaints on sexual harassment and sexual violence. Include the date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s); and lists of attendees and their positions. Provide copies of any material provided during the training including power point slides.
10. Provide a description of the function and origins of Project SAFE and a list of program assistants and professional staff who have participated in the project, the position each held, and the dates each person held their position.

11. Provide a description of the function and origins of the Sexual Assault Taskforce and a list of participants with the dates each person was a member. Please include a copy of any reports developed by the Taskforce, if not included in item 6.
12. Provide a spreadsheet of all student complaints or reports of (a) sexual harassment and sexual violence or (b) retaliation or intimidation in relation to a complaint or report of sexual harassment or sexual violence, that have been brought to the College's attention (formally or informally) for the time period indicated above. For each complaint identified, please provide the information below with the dates for each step of the process:
  - a. The name, or unique identifier, and sex of the student who made the report or complaint.
  - b. The name or unique identifier, sex and position (e.g., student, faculty, staff) of the individual against whom the complaint was filed.
  - c. The date each complaint was filed, the date the investigation was started, the date the investigation was completed, the date any hearing was convened, date the final decision was issued, and a description and date of any other step in the process.
  - d. The type of report or complaint filed, i.e., formal or informal.
  - e. The allegation(s) made in the report or complaint including whether it alleged sexual harassment, sexual assault or sexual violence, and whether the incident(s) described in the complaint occurred on or off campus. If off campus, indicate the location, whether the location was hosted or sponsored by the College and whether the location was owned or leased by the College.
  - f. The title of the College office or name of College staff member where the report or complaint was filed (campus police, student services, academic dean, counselor, etc.).
  - g. Indicate whether the complaint was investigated. If yes, provide the name and title of the College official or staff member who investigated the complaint. If no, indicate why not.
  - h. If the complaint was investigated, provide a copy of all investigative reports, findings or other documents that describe the outcome and resolution, including a description of all the remedies and sanctions resulting from the decision.
  - i. Indicate whether a hearing was conducted in connection with the complaint. If a hearing was conducted, indicate which process was used and the names and titles of all persons who participated in the hearing and decision making; provide a copy of the hearing decision, report or

other documents describing the hearing decision, including all documents describing the remedies and sanctions that resulted from the decision.

- j. Indicate whether an appeal was filed and by whom. If yes, provide a copy of the appeal procedure, identify the staff person responsible for deciding the appeal, and provide a copy of the appeal decision or outcome.

13. Any additional information that the College believes will assist OCR in investigating this complaint.