



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS - REGION IX

NOV 22 2010

(b)(6),(b)(7)(C)

(In reply, please refer to case no. 09-11-2027)

Dear

(b)(6),(b)(7)(C)

On November 17, 2010, the U.S. Department of Education, Office for Civil Rights (OCR), received your complaint against Biohealth College (Recipient). Your complaint alleges discrimination on the basis of sex. OCR currently understands your allegations to be:

1. You were subjected to harassment by a Recipient employee based on sex, and that the Recipient failed to respond appropriately and effectively to notice of the harassment.

We have determined that your complaint is appropriate for investigation under the laws enforced by OCR.

OCR enforces Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. These laws prohibit discrimination on the basis of race, color, national origin, sex, disability and age in programs and activities operated by recipients of Federal financial assistance. Additionally, OCR enforces the Boy Scouts of America Equal Access Act, which addresses equal access to school facilities and certain other youth groups. The Recipient receives funds from the Department and is subject to the above laws and their regulations as enforced by OCR.

OCR is now beginning the complaint resolution process.

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 allegation(s) 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*.

50 BEALE ST., SUITE 7200, SAN FRANCISCO, CA 94105
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Page 2 -- (09-11-2027)

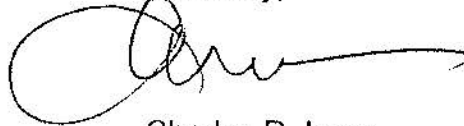
We will contact you or your designated representative soon to discuss the allegations and complaint resolution process. OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the *Case Processing Manual*.

Federal regulations prohibit the Recipient from retaliating against you or from intimidating, threatening, coercing, or harassing you or anyone else because you filed a complaint with OCR or because you or anyone else take part in the complaint resolution process. Contact OCR if you believe such actions occur.

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 our office at 415-486-5555.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles R. Love', with a large, stylized initial 'C' and a long horizontal flourish extending to the right.

Charles R. Love
Program Manager