



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS - REGION IX

NOV 22 2010

Sam Shirazi, Ph.D  
President  
BioHealth College  
2665 North First Street, Suite 102  
San Jose, CA 95134

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

Dear President Shirazi:

On November 17, 2010, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against BioHealth College (Recipient). The Complainant, (b)(6),(b)(7)(C) alleges discrimination on the basis of sex. OCR currently understands the allegations to be:

1. The Complainant was subjected to harassment by a Recipient employee based on sex and the Recipient failed to respond appropriately and effectively to notice of the harassment.

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

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.

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*.

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

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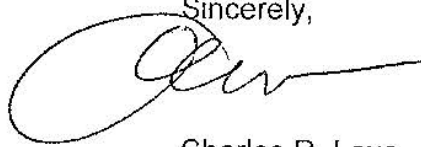
Enclosed is a copy of The OCR Case Processing Procedures. We will contact you or your designated representative soon to discuss the allegations and complaint resolution process. OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances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

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.

Your cooperation is appreciated. If you have any questions please contact our office at 415-486-5555.

Sincerely,

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

Charles R. Love  
Program Manager

Enclosure