

# **EXHIBIT A**



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

January 19, 2022

**VIA ELECTRONIC MAIL**

Adele Kimmel, [akimmel@publicjustice.net](mailto:akimmel@publicjustice.net)  
Alexandra Brodsky, [abrodsky@publicjustice.net](mailto:abrodsky@publicjustice.net)  
Adrienn Spiegel, [aspiegel@publicjustice.net](mailto:aspiegel@publicjustice.net)  
Linda Correia, [lcorreia@correiaputh.com](mailto:lcorreia@correiaputh.com)  
Lauren A. Khouri, [lkhour@correiaputh.com](mailto:lkhour@correiaputh.com)

(In reply, please refer to case no. 09-21-1128.)

Dear Ms. Kimmel, Ms. Brodsky, Ms. Spiegel, Ms. Correia, and Ms. Khouri:

On February 26, 2021, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint against Berkeley Unified School District (District). Your complaint alleges discrimination on the basis of sex. OCR currently understands your allegation to be that the District has allowed a hostile environment on the basis of sex to exist at Berkeley High School (the School) by failing to respond promptly and effectively to incidents of sexual harassment at the School from the 2018-2019 school year to the present.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX.<sup>1</sup>

OCR is opening the complaint allegation for investigation.

Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder,

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<sup>1</sup> Amendments to the Title IX regulation went into effect on August 14, 2020, and can be viewed [here](#). However, with regard to alleged incidents that occurred prior to that date, OCR is evaluating your complaint based on the prior Title IX regulation that was in effect at the time when the alleged acts occurred. You can find that regulation [here](#). For more information about Title IX, including the new Title IX regulation and related resources, visit OCR's website at [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) and <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/index.html>.

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 allegation, in accordance with the provisions of Article III of the *Case Processing Manual*.<sup>2</sup> You may also have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR is committed to resolving complaints as promptly as possible. OCR will contact you or your designated representative soon to discuss the allegation and the complaint resolution process. Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about OCR's complaint evaluation and resolution procedures. Our procedures provide for investigations to be terminated if the University has taken actions that completely resolve the issues in the complaint. 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*.

Please be advised that the District may not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual subjected to such retaliatory treatment may file another complaint alleging retaliation.

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, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about this letter, please contact Staff Attorney Rhonda Ngom at [rhonda.ngom@ed.gov](mailto:rhonda.ngom@ed.gov).

Sincerely,

A handwritten signature in black ink that reads "Sara Berman". The signature is written in a cursive, flowing style.

Sara Berman  
Team Leader

Enclosure

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<sup>2</sup> The Case Processing Manual is available at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.