

National Aeronautics and Space Administration

Headquarters
Washington, DC 20546-0001



August 23, 2018

Reply to Attn of:

Office of Diversity and Equal Opportunity *Certified Mail No. 7012 1640 0000 5373 9721*

Dr. Carol T. Christ
Chancellor
University of California, Berkeley
Office of the Chancellor
200 California Hall #1500
University of California
Berkeley, CA 94720-1500

Dear Chancellor Christ:

The National Aeronautics and Space Administration (NASA) has completed its compliance review of the University of California (UC), Berkeley, a recipient of NASA financial assistance. The review was conducted pursuant to Title IX of the Education Amendments of 1972 (Title IX) and NASA's Title IX implementing regulations at 14 C.F.R. Part 1253, which prohibit discrimination on the basis of sex in educational programs receiving Federal financial assistance through NASA. The review was limited in scope to the University's compliance with basic Title IX procedural requirements, such as internal complaint procedures, as well as an assessment of UC Berkeley's efforts to ensure equal opportunity regardless of sex within the NASA-funded Department of Astronomy, which was the focal point of the review. Please find enclosed a copy of NASA's report of the compliance review and the NASA Title IX regulations.

First, based on an evaluation of the data provided by the University and from onsite interviews and observations from its April 2017 onsite review, NASA did not find evidence of non-compliance with the institutional Title IX procedural requirements regarding coordination and self-evaluation.

Second, NASA has determined the University is in substantial, but not full, compliance with Title IX grievance procedure and policy dissemination requirements. While Berkeley provides an easy-to-understand and easily accessible Title IX policy and procedures, the procedures do not include all required components, for example, informing complainants of their right to file directly with a Federal agency. We note that Berkeley is addressing this and other NASA procedural concerns based on the U.S. Department of Education Office for Civil Rights' (OCR) February 2018 Letter of Findings of its Title IX investigation and Berkeley's resolution agreement with OCR. Due to the many different organizations across Berkeley with a stake in Title IX and gender equity related issues, NASA recommends Berkeley maintain a clear focal point and lead coordinating office for

all matters pertaining to Title IX compliance and should continue to seek ways to enhance campus compliance and coordination efforts.

Next, NASA did not find evidence of Title IX noncompliance with respect to the Astronomy Department. Specifically, we did not find either different treatment based on sex or methods of administration that were having an adverse impact or otherwise limiting program participation based on sex. However, NASA is concerned about the level of awareness of the Astronomy Department relating to Berkeley policies on pregnancy and parenting and has made compliance recommendations to address this area. In addition, NASA has concerns about the presence of implicit or unconscious (as well as more overt) gender biases based on our limited scope review. While these concerns currently do not reach the level of Title IX violations, they should be addressed promptly by the Department, in part by implementing NASA's recommendations. Among other recommendations, NASA has suggested that the Department partner more closely with the Office for the Prevention of Harassment and Discrimination (OPHD) on education and awareness and consult with the American Astronomical Society.

The recommendations throughout the report are designed to assist UC Berkeley and the Astronomy Department in furthering their efforts to ensure equal educational opportunity regardless of sex. NASA will conduct monitoring six months from the date of this report on its findings (including compliance requirements to be met) and recommendations to strengthen existing compliance efforts.

Finally, NASA is pleased to have also observed a few promising practices of both the University and the Astronomy program, particularly with regard to the Astronomy Department's efforts to address climate concerns in the wake of the 2015 finding of sexual harassment against a former faculty member. The Department has formed a Climate Advisory group that includes students, staff, faculty, and researchers. The mission of the group is to maintain awareness on issues of gender harassment and discrimination, to promote campus resources, and to help devise and implement solutions to gender-related climate problems. The Astronomy Department also has formed a new team of Astronomy representatives that meets regularly to maintain open lines of communication among faculty, post-doctoral researchers, graduate students, undergraduate students, and staff. These initiatives demonstrate efforts to bolster diverse voices in order to promote a healthier Department environment.

For additional civil rights technical assistance, Berkeley may also wish to visit our MissionSTEM Web site at <http://missionstem.nasa.gov/>. The MissionSTEM Web site is designed to assist NASA grant recipients in meeting their compliance obligations under NASA's equal opportunity laws and regulations. To this end, the site provides a host of information and resources on compliance requirements as well as promising practices of our grant recipients.

We appreciate Berkeley's cooperation in facilitating NASA's review prior to, during, and after the on-site visit. In particular, I would like to thank Denise Oldham, Director and Title IX Coordinator, OPHD, and compliance officials working with Ms. Oldham, as well

as Dr. Eugene Chiang, Astronomy Department Chair, and the faculty, staff, and students of the Astronomy program for their participation in the review.

Please be advised that, in the interest of transparency, NASA posts our Title IX compliance reports on the MissionSTEM Web site. The report and related records also may be requested through the Freedom of Information Act. The reports are written, to the extent possible, without revealing personal information that could result in an unwarranted invasion of privacy.

If you have any questions regarding this correspondence, please contact Mr. Richard N. Reback, Director, Complaints and Programs Division on 202-358-1597 or Richard.N.Reback@nasa.gov.

Sincerely,



Stephen T. Shih
Associate Administrator
Diversity and Equal Opportunity

Enclosures

cc:

Ms. Denise Oldham, Director and Title IX Coordinator, OPHD
Dr. Eugene Chiang, Chair, Astronomy Department