March 31, 2016

Office of Diversity and Equal Opportunity

Dr. Robert J. Birgeneau  
Chancellor  
University of California, Berkeley  
Office of the Chancellor  
200 California Hall #1500  
University of California  
Berkeley, CA 94720-1500

Dear Chancellor Birgeneau:

The National Aeronautics and Space Administration (NASA) has completed its compliance review of the University of California, Berkeley, a recipient of NASA financial assistance. This limited scope review focused on the Department of Physics, and 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 conducted to determine whether Berkeley is in compliance with NASA's Title IX regulations; specifically, to ensure that the Physics Department provides equal educational opportunity regardless of gender. Please find enclosed a copy of NASA's report of the compliance review and the NASA Title IX regulations.

Based on an evaluation of the data provided by the University and from on-site interviews and observations from its September 2013 onsite review, NASA finds Berkeley in compliance with the Title IX procedural requirements regarding coordination and self-evaluation. However, NASA also found that Berkeley should continue to enhance local implementing guidelines for and closely monitor the functioning of its Title IX grievance procedures and policy/procedures relating to parental status and pregnancy. This would include, but is not limited to, making any future revisions needed to conform these policies and procedures to Title IX regulations and/or Department of Education Office for Civil Rights guidance. We view the January 2016 finalization of the UC systemwide Sexual Violence and Sexual Harassment Policy, which replaces the Interim Policy on Sexual Harassment and Violence, as a first step in the direction of better ensuring such conformity. We will continue to monitor the University’s progress with regard to its plans for local implementing guidelines on this and other Title IX related policy and procedures.
NASA found that the Berkeley Physics program is in compliance with Title IX in that we did not find methods of administration that were having an adverse impact or otherwise limiting program participation in the Physics Department based on gender. Nonetheless, we remain concerned about some aspects of the climate in Physics. These concerns have been amplified by the sexual harassment occurring in the University's Astronomy Department, which is proximate to Physics both as a scientific discipline and physically on the Berkeley campus. In light of these concerns, Physics should continue to conduct rigorous self-evaluation efforts, and to strategically address climate issues that may serve to undermine its equal opportunity efforts.

Physics also should work closely with the Title IX Coordinator's office to ensure appropriate training for faculty and graduate students on Title IX related issues, such as sexual harassment and gender bias. A strong partnership between Physics and the Title IX coordinator's office is also needed to effectively address concerns relating to inappropriate gender-related conduct, when it arises. The report recommendations on program administration are designed to help Berkeley and Physics in furthering their gender equity efforts. NASA will conduct a monitoring review on the University's efforts to address our compliance recommendations six months from the issuance date of this report.

For additional civil rights technical assistance, you may also wish to visit our MissionSTEM website at http://missionstem.nasa.gov/. The MissionSTEM website 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.

NASA observed promising practices of both the University and the Physics program, particularly with regard to the Physics Department's self-evaluation efforts. The program has conducted meaningful self-evaluation to address program issues through multiple means, including student surveys and a voluntary site-visit from the American Physical Society Committee on the Status of Women in Physics. Through its self-evaluation efforts Berkeley has uncovered discrete issues and sought to address them through intentional, deliberate means.

Berkeley was very helpful in facilitating NASA's review prior to, during, and after the on-site visit. NASA wishes to thank Denise Oldham, Director and Title IX Coordinator, Office for the Prevention of Harassment and Discrimination (OPHD), and compliance officials working with Ms. Oldham, as well as Dr. Steven Boggs, Physics Department Chair, and the faculty, staff, and students of the Physics program for their participation in the review.

Please be advised that, in the interest of transparency, ODEO posts NASA's Title IX compliance reports on the MissionSTEM website. The report and related records also may be requested through the Freedom of Information Act. However, 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. David Chambers, on 202-358-2128 or david.r.chambers@nasa.gov.

Sincerely,

Brenda R. Manuel
Associate Administrator for
Diversity and Equal Opportunity

Enclosures

cc:
Ms. Denise Oldham, Director and Title IX Coordinator, OPHD
Dr. Steven Boggs, Chair, Physics Department