

FREQUENTLY ASKED QUESTIONS ON FEDERAL INVESTIGATIONS AND INFORMATION SHARING

Why is UC providing information to the federal government?

Federal law requires UC to comply with oversight requests from agencies like the Department of Education's Office for Civil Rights. These requests are a routine part of audits, compliance reviews, or investigations. Failure to comply with government oversight could expose UC to enforcement action, including loss of federal funding that supports students, health care, research, and jobs.

When the University is asked to provide this kind of private information, we first seek ways to anonymize data. But in some cases, including the most recent request for UC Berkeley to share information in response to an investigation, those requests are denied by the federal government.

What personally identifiable information was provided to the Department of Education's Office for Civil Rights by UC Berkeley?

In this instance, UC Berkeley produced unredacted civil rights office case files and police incident reports tied to alleged antisemitism complaints, as legally required. These files included names and, in some instances, contact details of complainants, respondents, and witnesses. UC did not produce a "list of individuals."

Is this a standard practice?

Yes, universities nationwide have complied with similar requests for decades, across Democratic and Republican administrations. This is a long-established procedure and not unique to UC or the current administration; it is an expected requirement of operating any entity that receives federal funding, with potential massive financial implications for non-compliance.

Does UC have to release personally identifying information?

Yes, federal regulations require recipients of federal funding, like universities, to provide information necessary for civil rights compliance reviews, even when those records include personally identifiable information. UC takes privacy concerns very seriously and seeks to limit disclosures, but in certain instances, the agency may require it.

What type of information is legally required to be provided to the government?

While it depends on the type of investigation, the agency investigating, and what the allegations involve, investigators ordinarily have broad latitude to obtain information that they determine is relevant to their investigation. The University of California takes all of those factors into consideration when providing responses to the federal government.

Why don't privacy laws, such as FERPA, apply to investigations?

The government has various avenues to obtain personally identifiable information, depending on the nature of the investigation. FERPA, for example, authorizes the disclosure of student records to the federal government in certain contexts.

What happens if UC doesn't comply?

Non-compliance can trigger serious enforcement actions by federal agencies. These actions can include litigation, administrative penalties, or restrictions on federal funding. For UC, that could mean losing billions of dollars in student financial aid and research support — funding that is essential for our students and communities across California.

How will UC manage future requests?

We will carefully evaluate all requests for unredacted documents to assess the legal authority for the request and any privacy implications, releasing documents only when it is clear — as it was to the University's attorneys in the Berkeley OCR investigation — that it is necessary to do so in connection with the investigation.

Did UC capitulate to the federal government?

No. Like other universities, UC has routinely complied with oversight requests from federal agencies across Democratic and Republican administrations for decades. This is not a matter of politics; it is a legal obligation.

Why didn't UC fight this in court?

When receiving government oversight requests for information, UC evaluates a number of different factors. These include the nature of the investigation, the relevance of the information requested, the scope of the agency's authority to obtain the information, the various possible responses to these requests — including whether there are alternative ways to respond fully to a request without disclosing private information — and the risk of enforcement action and loss of critical funding.

Isn't UC putting people at risk by sharing this information?

UC understands that some individuals may feel particularly vulnerable, and we take those concerns seriously. We seek to minimize the disclosure of personally identifiable information wherever possible and anonymize sensitive personal information. It's also important to note that current investigations are focused on the University's practices, not individuals' conduct.

Why didn't UC simply refuse to provide the information to the Department of Education's Office for Civil Rights?

Regulations explicitly state that privacy or confidentiality cannot be used as a basis to withhold records. Refusing to comply could result in enforcement action and loss of critical federal funding. UC's approach has been to comply with the law while minimizing disclosures wherever possible.

Why are discussions with the federal government confidential?

We are committed to being as transparent as possible while also meeting our obligations to maintain the confidentiality of ongoing investigations and proceedings with the federal government.

Is UC being singled out compared to other universities?

While UC is facing significant scrutiny, federal oversight applies to all universities that receive federal funding. UC's approach is consistent with how other universities have responded to lawful requests for information over decades.

Are individuals whose names were disclosed being investigated?

No. These investigations are into UC's institutional practices, not individual conduct. Names appear in files because they were part of complaints or reports, but the inquiries are not about personal wrongdoing by any individual.