



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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Dr. Sidney A. McPhee
President
Middle Tennessee State University
Office of the President
1301 East Main Street
Murfreesboro, Tennessee 37132

Re: Complaint #04-12-2294

Dear Dr. McPhee:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed on September 10, 2012, against Middle Tennessee State University (University). The Complainant alleged discrimination on the bases of disability and retaliation.

Specifically, Mr. Luther Beckett, (Complainant) alleged that the University discriminated against him on the basis of disability when:

1. In March 2012, the University would not permit the Complainant to re-enroll in school until he completed an anger management class;
2. In March 2012, the University improperly suspended him from the classes;
3. The University failed to assess his disability and failed to provide the Complainant with needed academic adjustments; and
4. In 2012, the University retaliated against him by releasing personal information without his consent to another University to which the Complainant applied.

OCR investigated the complaint pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Based on the above, OCR investigated the following legal issues:

1. **Issues 1 and 2¹** – Whether the Complainant was, on the basis of disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination by the University when the University suspended the Complainant and denied him re-enrollment, in violation of the Section 504 implementing regulation at 34 C.F.R. §§ 104.4(a) and 104.42(a) and the Title II regulation at 28.C.F.R. § 35.139.
2. **Issue 3**-Whether the University discriminated against the Complainant when it failed to provide him with needed academic adjustments in noncompliance with the Section 504 implementing regulation at 34 C.F.R §104.44(a).
3. **Issue 4**-Whether the University retaliated against the Complainant in 2012 when it released negative information about him without his consent to another university to which the Complainant applied, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.61, and the Title II regulation at 28 C.F.R. § 35.134.

In reaching a determination regarding the complaint allegations, OCR obtained and reviewed extensive documents provided by both the Complainant and University officials. OCR also conducted telephone interviews with the Complainant and University staff. Additionally, OCR interviewed the Complainant for rebuttal purposes. In reaching a determination, OCR reviewed the evidence under the “preponderance of the evidence” standard. Under a preponderance of the evidence standard, OCR evaluates the evidence obtained during an investigation to determine whether the greater weight of the evidence is sufficient to support a conclusion that the University failed to comply with Section 504 and Title II as it relates to the complaint issues.

After a thorough review of all of the available evidence, OCR has determined by a preponderance of the evidence that the University is in noncompliance with Section 504 and Title II with respect to Issues 1 and 2. Regarding Issues 3 and 4, OCR determined that there is insufficient evidence to find the University in noncompliance with Section 504 and Title II. Set forth below is a summary of OCR’s legal standards, findings, and conclusions.

Regulatory Standards

The regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) state that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance. The regulation implementing Section 504 at 34 C.F.R. § 104.42(a), provides that qualified persons with a disability may not, on the basis of disability, be denied admission or be subjected to discrimination in admission or recruitment by a recipient.

¹ After this complaint was opened for investigation, OCR merged Issues # 1 and 2 because the issues are factually intertwined.

The Section 504 implementing regulation at 34 C.F.R. § 104.44(a) states that recipients shall make such modifications to their academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. Academic requirements that the recipient can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of Section 504. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. The Title II regulation is interpreted consistent with the Section 504 regulation.

Under Section 504, postsecondary institutions do not have a duty to identify students with disabilities. Students in institutions of postsecondary education are responsible for notifying institution staff of their disability should they need academic adjustments. The disclosure of the disability is voluntary; however, if the student wants an institution to provide an academic adjustment or auxiliary aids, the student must identify himself or herself as having a disability and request academic modifications or auxiliary aids as needed by providing required medical documentation to the institution's disability services office. The postsecondary institution may require that the student follow reasonable procedures, and students are responsible for knowing these procedures and following them. Also, universities may set reasonable standards for documentation and must inform students of the documentation required.

With respect to postsecondary education services, the regulation implementing Section 504 at 34 C.F.R. § 104.3(1)(3) defines a qualified individual with a disability as an individual with a disability who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activities. In order to be a qualified individual with a disability, a student must meet both the academic and technical standards for participation in the University's program. Technical standards include all nonacademic admissions criteria that are essential to participation in the program in question.

However, a person who poses a direct threat to the health and safety of others may not be a qualified individual with a disability under Section 504 and Title II. The Title II regulation at 28 C.F.R § 35.139 provides that, a "direct threat" standard applies to situations where a college proposes to take adverse action (such as expulsion) against a student whose disability poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm and not just a slightly increased, speculative, or remote risk. To make the determination that a person poses a "direct threat," an institution must make an individualized assessment based on reasonable judgment relying on the most current medical knowledge or the best available objective evidence. This assessment must determine the nature, duration, and severity of the risk, the probability that the potentially threatening injury will actually occur, and whether reasonable modifications of policies, practices, or procedures will significantly mitigate the risk without fundamentally altering the nature of the service, program, or activity. The student must not be subject to adverse action on the basis of unfounded fear, prejudice and stereotypes.

Following a proper determination of direct threat, an educational institution may require as a precondition to a student's return that the student provide documentation that the student has taken steps to reduce the previous threat (e.g., followed a treatment plan, submitted periodic reports).

The direct threat analysis applies only to an individual who represents a direct threat to the health and safety of others, and does not apply to the individual constituting a threat to himself/herself.

The standard for determining a university's compliance regarding retaliation falls under the regulation implementing Section 504 at 34 C.F.R. § 104.61, which incorporates, by reference Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. § 100.7(e). The regulation states that intimidating or retaliatory acts are prohibited. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI and Section 504, or because she/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under the Section 504 regulation. The Title II implementing regulation at 28 C.F.R. § 35.134 similarly prohibits retaliation by public entities.

To determine whether retaliation has occurred, OCR must find that: (1) the Complainant engaged in a protected activity; (2) the recipient was aware of the protected activity; (3) the recipient took adverse action against the Complainant subsequent to or contemporaneous with the participation in a protected activity; (4) there is a causal connection between the adverse action and the protected activity. If all of these elements are established, OCR then examines whether the recipient had a legitimate, nondiscriminatory and non-pretextual reason for taking an adverse action against the Complainant.

Background

The Complainant enrolled at the University during the summer semester of 2011 and was last enrolled through Spring semester 2012. The Complainant informed OCR that he has undiagnosed Post Traumatic Stress Syndrome, General Anxiety, and is Bi-Polar with narcissistic syndrome. The Complainant stated that he self-identified as a Student with a disability on or about August 2011.

Issues 1 and 2²: Whether the Complainant was, on the basis of disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination by the University when the University suspended the Complainant and denied him re-enrollment, in violation of the Section 504 implementing regulation at 34 C.F.R. §§ 104.4(a) and 104.42(a) and the Title II regulation at 28.C.F.R. § 35.139.

The Complainant stated that he was discriminated against on the basis of disability, when he was suspended from the University and denied re-enrollment after he was charged with violating the

² After this complaint was opened for investigation, OCR merged Issues # 1 and 2 because the issues are factually intertwined.

Student Code of Conduct. Specifically he was charged with conduct dangerous to self or others, and disorderly conduct.

The Complainant stated that an employee from Disabled Student Services (DSS) and an employee from Legal were terrified of him and that he was placed under interim suspension, because of comments that he made to them as a joke. He further stated that he does not remember specifically what he said; but the employees perceived his comments as threatening. He further stated that apparently one of the employees was “paranoid” as a result of the then recent shootings at Virginia Tech.

The Complainant stated that he was suspended based on charges that had no basis, and that the University did not conduct a proper threat analysis. He further alleged that the University required him to take an anger management class as a condition to reenrollment for the Fall of 2012 semester.

On March 12, 2012, a Police Officer (Officer) was dispatched to the Cope administration building in response to a complaint made by a University Staff member regarding the Complainant. The staff member informed the Officer that the Complainant came into her office wanting help with paying for school. After the staff member advised the Complainant that she could not help him, the Complainant became visibly upset and began denigrating the Nashville branch of Vocational Rehabilitation by making threats and shouting profane words.

The Police Officer’s report further states that the staff member also received a call from the June Anderson Center in reference to the Complainant. The Officer states in his report that he made contact with two witnesses who said that the Complainant had been by twice that day, the first time to say hello; however, when he came by the second time he was visibly upset, shouting and using “curse words.”

The University provided OCR with a copy of a March 14, 2012, letter from the Assistant Dean (AD) to the Complainant, which indicates the following alleged violations: 1. Conduct Dangerous to others; and 2. Disorderly Conduct.

The University’s Student Disciplinary Code provides that interim suspensions are imposed when the continued presence of the accused on campus will pose an immediate threat to the physical safety and well-being of the accused or any other members of the University or its guests. The letter further states that a preliminary hearing was scheduled for March 16, 2012. The University also provided OCR with a letter dated March 29, 2012 addressed to the Complainant. The evidence shows the Complainant received the letter on March 30, 2012 and that he refused to sign it.

The Complainant states that on March 14, 2012, his professor asked him to leave her classroom; and upon exiting the classroom was greeted by a University policeman and Assistant Dean who asked him to follow her. The Complainant further stated that because he suffers from his undiagnosed PTSD, he felt threatened by the policeman. In an April 3, 2012 email that the Complainant sent to the Vice President of Student Affairs, he asserted that the entire disciplinary

process was a sham and that no person was ever in danger. He further asserts that he apologized for the use of profanity and for taking his personal business to the campus.

In an interview with OCR, the Dean of Students (Dean) informed OCR that the Complainant alleged that he was discriminated against on the basis of disability when he was suspended from the University. The Dean stated that the Student was charged with a violation of the Student Code of Conduct; specifically, the charges of conduct dangerous to self or others and disorderly conduct for threats made against employees at the University. The Dean further stated that following a due process hearing on March 27, 2012, before the Committee, at which witnesses provided information with regard to the incidents, the Complainant was charged with and found to have committed the following Student Code of Conduct violations: Conduct Dangerous to Self or Others and Disorderly Conduct.

The sanctions imposed were immediate suspension through the summer 2012 semester, and an educational requirement that the Complainant participate in anger management sessions as a condition of re-enrollment in the Fall 2012 semester. OCR notes that upon viewing the video recording of the initial hearing for the Complainant, the hearing officer stated specifically that the hearing was being convened to assess whether the Complainant was a threat to “himself or others.”

The Complainant sent appeal emails on April 5 and April 6, 2012, indicating that he was requesting an ADA accommodation regarding his upcoming hearing because he was emotionally distraught and suffered from anxiety and panic attacks. The Complainant further stated that he notified personnel at the DSS in early September that someone from that office should have made sure that he was registered with DSS.

In a direct threat situation, a recipient must make an individualized and objective assessment of a student’s ability to safely participate in an educational program without causing harm to others, based on a reasonable medical judgment relying on the most current medical knowledge and/or the best available objective evidence. The assessment must determine the nature, duration, and severity of the risk; the probability that the potentially threatening injury will actually occur; and whether reasonable modifications of the recipient’s policies, practices or procedures will sufficiently mitigate the risk. A direct threat, as it is defined in the Title II regulation and as applied Section 504, is a threat to others and does not include the threat that a student poses to himself.

The “Educational Requirement” in the letter stated that the Complainant must provide proof that he had engaged in a series of counseling sessions with a licensed mental health provider to aid in the development of a well-articulated action plan that will enable him to cope with anger and frustration in an appropriate manner. The letter further states that if the Complainant failed to provide written documentation of this action plan a minimum of one month prior to the beginning of the Fall 2012 semester, he would not be eligible to return for the Fall of 2012 semester; and the requirements would roll to the subsequent semester.

Conclusion

The University's Office of Judicial Affairs (Discipline Committee) conducted a hearing for the Complainant on March 27, 2012. The University did not determine whether the Student posed a direct threat to the health and safety of others, neither did they conduct an individualized assessment, based on reasonable judgment that relied on current medical knowledge or on the best available evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

The University's suspension decision concerning the Complainant was in noncompliance with Section 504 and Title II. As stated above, Title II and Section 504 as interpreted by OCR do not recognize (even in part) a threat to one's self as a "direct threat." While the University noted that the Complainant's threats to staff posed a risk to others, the documentation concerning the University's decision making process does not demonstrate whether the threat to others was in itself considered sufficient to warrant a suspension. Further, while documents demonstrate that the Discipline Committee, which convened to consider the suspension included members of the University staff, the information available at the time of the University's hearing to resolve the complaint did not demonstrate whether the University appropriately assessed the extent, nature and duration of the risk, or whether the risk could be eliminated through modifications or provision of auxiliary aids and services.

Based on OCR's review of the video recording of the hearing, the University will need to remedy this issue by reconvening the hearing and properly determining whether the Complainant posed a threat to others at the time of his suspension. Additionally, if the University determines the Complainant was a threat to others, it must determine if reasonable modifications of its policies, practices or procedures would have sufficiently mitigated the risk.

OCR reviewed documents submitted by the University, which indicated that their decision was based on the University's determination that the Complainant posed a threat to himself and others. As stated above, Title II and Section 504, as interpreted by OCR do not recognize (even in part) a threat to one's self as a direct threat. While the University also noted that the Complainant's threats posed a risk to others, the video documentation of the hearing does not demonstrate whether the threat to others was in itself considered sufficient to warrant a suspension. Further, video evidence demonstrates that the Discipline Committee, which convened to consider the suspension included members of the University staff and the information available at the time of University's hearing. The video documentation did not demonstrate whether the University appropriately assessed the extent, nature and duration of the risk or whether the risk could be eliminated through modifications.

Additionally, OCR finds that the University's Suspension Policy is silent concerning the process for assessing the risk posed by students to others and determining whether the risk can be eliminated through modifications of policies, practices or procedures.

Under the proposed Agreement, the University will agree to remedy this issue by reconvening the Discipline Committee and having it properly determine whether the Complainant posed a threat to others at the time of his suspension. Additionally, the University will amend its Involuntary Medical Withdrawal/Suspension Policy.

Issue 3: Whether the University discriminated against the Complainant when it failed to provide him with needed academic adjustments in noncompliance with the Section 504 implementing regulation at 34 C.F.R §104.44(a).

The Complainant informed OCR that when he registered as a student at the University in August 2011, he signed up with the University's Office of Disabled Student Services (DSS). The Complainant also stated that the DSS handled book vouchers and conducted other business on his behalf and therefore he was a client of DSS. The Complainant further alleged that the University failed to provide academic adjustments when it failed to provide ADA accommodations for the suspension hearing that was conducted in March 2012. The Complainant acknowledged that he failed to provide all of the required documentation and failed to properly complete all of the forms required for registration in DSS however, he nonetheless believed he was registered because of his other interactions with DSS.

OCR reviewed an April 6, 2012 email the DSS Director (Director) sent the Complainant, which states that four steps are required for registration with DSS, and informs the Complainant that the registration steps are outlined on the University's website. The email further indicates that according to DSS records, the Complainant filed an initial application on August 8, 2011; however, DSS did not receive the required documentation of a disability. Thus, according to DSS, the registration remained incomplete.

OCR also interviewed the Director, who stated that it is the responsibility of the Student claiming a disability and requesting accommodations to provide documentation sufficient to establish the disability and support any requests for accommodations.

The Coordinator informed OCR that there were no records on file of the Complainant ever being registered with DSS, or records showing that the Complainant completed the process. The University also provided a screen shot of the Complainant's records which indicated his status while enrolled at the University. During interviews with OCR, the Director reported that the Complainant's assertion that he was recognized as a student with a disability is inaccurate because he failed to complete the process by providing the required documentation.

The Complainant stated to OCR that he did not need academic accommodations and that he also did not fill out all of the forms required or provide the proper medical documentation to the DSS. He stated he thought he was registered because the DSS helped him get books before other students. The Complainant further stated his belief that the DSS was responsible for providing him with an advocate as an ADA accommodation to assist him at his suspension hearing with the University.

Conclusion

Based on the evidence, OCR finds that the Complainant did not complete the process of registering with the DSS. The evidence shows that the University informed the Complainant that he was not a Student registered with its office. The University followed its policies and procedures regarding a student registering with its office which rendered the Complainant's allegation moot because he never registered with DSS.

Moreover, neither Section 504 nor Title II requires recipients to provide students with advocates during disciplinary hearings as an accommodation. Based on the evidence, OCR concludes there is insufficient evidence to show that the University discriminated against the Complainant on the basis of disability with respect to providing academic adjustments in noncompliance with Section 504 and Title II.

Issue 4: Whether the University retaliated against the Complainant in 2012 when it released negative information about him without his consent to another university to which the Complainant applied, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.61, and the Title II regulation at 28 C.F.R. § 35.134.

The Complainant informed OCR that the University retaliated against him by releasing negative information about him without his consent during the 2012-2013 academic year to another university to which the Complainant applied.

Protected Activities and Knowledge of Protected Activities

A protected activity is one in which a person either opposes an act, policy, or practice that is unlawful under any of the laws OCR enforces; files a complaint, testifies, assists, or participates in an investigation, proceeding, or hearing conducted under the laws that OCR enforces; or otherwise asserts rights protected by the laws enforced by OCR.

The evidence shows that the Complainant filed an initial application with the DSS on August 8, 2011. (TAB B-1) Additionally, the Complainant forwarded a follow up email to DSS regarding accommodations on April 5, 2012.

Based on the above, the evidence established that the Complainant engaged in a protected activity, and that University officials had knowledge that the Complainant engaged in a protected activity. Therefore, OCR will proceed to the next step in the analysis-whether the University subjected the Complainant to an adverse action.

Alleged Adverse Action

OCR next determined whether the University took adverse action against the Complainant contemporaneous with or subsequent to the protected activity. In order to determine whether an action is adverse, OCR must determine whether the action significantly disadvantaged a Complainant or possibly deterred him from advocating for himself.

The Complainant alleged that the Dean released negative information about him to the University of Memphis (UM). He further stated that he contacted the Dean and asked her to contact the Assistant Director of Admissions at UM regarding his possible return to the University. The Complainant asserts that there is a Tennessee law which does not allow the University to release information to another school without his approval. The Complainant further alleged that the Dean sent an email to UM when he specifically asked her not to do so.

Because the University released information to UM about his ongoing suspension, OCR finds that there is sufficient evidence of an adverse act. OCR will next look at whether there was a causal connection between the protected activity and the adverse act.

Causal Connection

To establish causal connection between the protected activity and the adverse action, OCR considers: (a) closeness in time between knowledge of the protected activity and the adverse action; (b) change in treatment of the Student after the University had knowledge of the protected activity; or (c) treatment of the Student compared to other similar situated persons.

The adverse actions, which happened on March 27, 2012 and August 8, 2011, occurred within one year of the protected activity. OCR concludes that there is sufficient closeness in time between the protected activity and the adverse action for OCR to conclude that there was a causal connection between the adverse action and the Complainant's protected activity. Based on the above, the Complainant has established a prima facie case of retaliation. Accordingly, OCR will next analyze whether the University had a legitimate, nondiscriminatory and non pretextual reason for its actions.

Legitimate, Non-Retaliatory Reasons

The Dean sent an email to the UM Assistant Director of Admissions on May 11, 2012, informing her that the Student was suspended from the University through the end of Summer 2012 semester and would be eligible to return only if certain conditions were met. The Dean informed OCR that she did not honor the Complainant's request to send the email as he worded it because he requested that she provide inaccurate information regarding his status at the University. Specifically, the Complainant was not eligible to return to the University until he completed an anger management course, which had not been completed. Thus, the Complainant was not eligible to reenroll the following semester.

OCR found the University's explanation to be a legitimate and non-retaliatory reason.

Pretext

OCR next analyzes whether the proffered reason is a pretext for retaliation. OCR reviewed the University's policy applicable in this circumstance, "Release of Directory Information." The policy provides for release of information of students with or without their permission. The University submitted documentation demonstrating that release of information forms are sometimes provided by the students. The Dean stated that this was the first time that she had received a request like this from a Student and that this was consistent with past practices at the University. In this case, the Student did not provide a form; instead he sent an email and requested that the Dean contact UM to inform them that he was permitted to return to the University. The Dean stated that the Complainant was asking her to provide information to the UM that was not true and that she was not comfortable in providing misleading information to another university.

On rebuttal, the Complainant stated that the University was extra harsh. The Complainant stated that under Tennessee law, the University cannot release records. Specifically, the Dean sent the email to UM revealing his suspension, when he stated that he specifically asked her not to do so.

Although the Complainant engaged in protected activity, OCR found no evidence that the Complainant's protected activity related to actions taken by the Dean. While OCR does not take a position on the Tennessee law raised by the Complainant, OCR finds that the substance of the email that the Complainant asked the Dean to send to UM was factually inaccurate. Specifically, the Complainant had not yet met the condition to return from suspension. Based on the above evidence, OCR concludes that the University's action toward the Student was not a pretext for retaliation.

Conclusion

The evidence showed that the University, pursuant to the Complainant's request, sent information to UM on May 11, 2012, regarding his eligibility to reenroll at the University. The information sent, however, contained information that the Complainant did not authorize, i.e., his suspension status and conditions for reenrollment. OCR found that action to be adverse and found that it occurred after the Complainant engaged in a protected activity. However, OCR finds that the University's reason for sharing the information was not a pretext for retaliation. Instead, the information was provided because the statement that the Complainant wanted the University to send to UM was not an accurate statement of the Complainant's reenrollment status. The Complainant was not eligible to return to the University from his suspension until he completed a certain condition, which had not been met at the time the email was sent. Additionally, the evidence shows that the Complainant never met the condition.

Accordingly, based on the preponderance of the evidence, OCR finds that the University proffered a legitimate, nondiscriminatory reason that was not a pretext for retaliation and concludes that there is insufficient evidence to support a finding that the University retaliated against the Complainant in noncompliance with Section 504 and Title II, as alleged.

This concludes OCR's investigation of the complaint and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

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

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.

The complainant may file a private law suit in federal court, whether or not OCR finds a violation.

This concludes our consideration of this complaint. If you have any questions, please contact Darryl Dennis, senior investigator at (404) 974-9358, or me at (404) 974-9354.

Sincerely,

Scott R. Sausser, Esq.
Compliance Team Leader