



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

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

April 18, 2013

Dr. Ty Handy
President
Northwest Florida State College
100 College Blvd.
Niceville, Florida 32578

Re: Complaint #04-13-2133

Dear Dr. Handy:

This is to advise you that the U. S. Department of Education (Department), Office for Civil Rights (OCR), is closing the above-referenced complaint filed against Northwest Florida State College (College) alleging discrimination on the basis of disability. Specifically, XXXXXXXXXXXXXXXX (Complainant) alleged that the College discriminated against her client, XXXXXXXXXXXXXXXX (Student), on the basis of sex (XXXXXXXXXX) when she was removed from the clinical portion of her Emergency Medical Services (EMS) program (Program) and subsequently dismissed from the Program due to her XXXXXXXXXXXX in October 2012.

As a recipient of Federal financial assistance from the Department, the College is subject to Title IX of the Education Amendments of 1972, (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. Accordingly, OCR has jurisdiction to investigate this complaint.

OCR proceeded with an investigation the following legal issue:

- Whether the College subjected the Complainant to different treatment on the basis of sex with regard to a removal from the clinical portion and subsequent dismissal from the Program, in noncompliance with the Title IX implementing regulation at 34 C.F.R. §106.31.

In accordance with Section 302 of OCR's *Complaint Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. Prior to the conclusion of OCR's investigation, the College expressed interest in resolving the complaint. Subsequent discussions with the University resulted in the College signing the enclosed Settlement Agreement which, when fully implemented, will resolve the complaint. The provisions of the Settlement Agreement are aligned with this complaint and the information obtained during OCR's investigation to date, and are consistent with applicable regulations. OCR will monitor the College's implementation of the Settlement Agreement.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness
by fostering educational excellence and ensuring equal access.*

www.ed.gov

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive 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. Intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. No recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. OCR is committed to a high quality resolution of every case. If you have any questions regarding this matter, please contact Mrs. Tara Jackson, Equal Opportunity Specialist, at (404) 974-9350, or Phil Weltner, Acting Team Leader, at (404) 974-9402.

Sincerely,

Cynthia G. Pierre, Ph.D.
Regional Director
Office for Civil Rights

Enclosure