



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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January 13, 2016

Dr. Eduardo J. Padrón, President
Miami Dade College
300 NE 2nd Ave, Suite 1474
Miami, FL 33132

**Re: OCR Complaint #04-15-2392
Letter of Resolution**

Dear Dr. Padrón,

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed by the Complainant against the Miami Dade College, Florida (College) on June 18, 2015. Specifically, the Complainant alleged the following:

1. The College discriminated against the Complainant on the basis of disability when he was expelled in June 2015.
2. The College retaliated against the Complainant due to his previous OCR complaints, by failing to investigate his complaint of “gay discrimination” in June 2015.

OCR investigated the complaint under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 20 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. OCR also has jurisdiction as a designated agency under Title II of the Americans with Disabilities Act of 1990 (Title II), as amended by the Americans with Disabilities Amendments Act of 2008, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding. Because the College receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.

Accordingly, OCR investigated the following issues:

- 1) Whether the College treated the Complainant differently based on disability when he was dismissed in June 2015, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.4, and the Title II implementing regulation at 28 C.F.R. § 35.130.

- 2) Whether the College retaliated against the Complainant due to his previous OCR complaint by failing to investigate his complaint of “gay discrimination” in June 2015, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. §104.61 and the Title II implementing regulation at 28 C.F.R. § 35.134.

In reaching its determination, OCR reviewed and analyzed documents submitted by the Complainant and the College. OCR also interviewed members of the College’s faculty and staff, as well as the Complainant. OCR evaluates evidence obtained during an investigation under a preponderance of the evidence standard to determine whether the greater weight of the evidence is sufficient to support a conclusion that a recipient failed to comply with laws or regulations enforced by OCR, or whether the evidence is insufficient to support such a conclusion.

OCR has determined that the evidence is insufficient to support a finding that the College has failed to comply with Section 504 and Title II with respect to the allegations of the complaint. A summary of the applicable legal standards, the facts gathered, and the reasons for our determinations are summarized below.

LEGAL STANDARDS

Disability Discrimination

The regulations implementing Section 504 provide 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 that receives Federal financial assistance. To determine whether a recipient has subjected a person to different treatment on the basis of disability, OCR considers whether there is evidence of intentional discrimination on the basis of disability; evidence of discriminatory intent may be direct or circumstantial. OCR initially examines whether there is direct evidence of discriminatory bias by a recipient based on a person’s disability. OCR also looks at whether there is evidence that an individual was treated differently than students without disabilities under similar circumstances, and whether the treatment has resulted in the denial or limitation of education, services, benefits, or opportunities. If there is such evidence, OCR examines whether the recipient provided a nondiscriminatory reason for its actions and whether there is evidence that the stated reason is a pretext for discrimination based on disability. OCR evaluates evidence obtained during an investigation under a preponderance of the evidence standard to determine whether the greater weight of the evidence is sufficient to support a conclusion that a recipient failed to comply with a law or regulation enforced by OCR or whether the evidence is insufficient to support such a conclusion.

As the Title II implementing regulation provides no greater protection than the Section 504 implementing regulation with respect to the complaint allegations, OCR conducted its investigation in accordance with the applicable Section 504 standards.

Retaliation

Retaliation is prohibited under the Section 504 implementing regulation at 34 C.F.R. § 104.61, which incorporates by reference the provisions of the regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, at 34 C.F.R. § 100.7(e). The Title VI regulation provides that 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 the laws OCR enforces, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation or other matter in connection with a complaint.

OCR evaluates evidence obtained during an investigation under a preponderance of the evidence standard to determine whether the greater weight of the evidence is sufficient to support a conclusion that a recipient (such as the College) failed to comply with a law or regulation enforced by OCR, or whether the evidence is insufficient to support such a conclusion.

FACTUAL FINDINGS & ANALYSIS

Background

Documentation provided by the College shows that on September 24, 2014, the Complainant completed an “Auxiliary Learning Aids Request Form” (Form) with the ACCESS office that supports disabled students. The Form indicates that the Complainant is Mentally/ Psychologically Impaired, Physically Impaired, and Visually Impaired. Additionally, the College provided documentation from the Complainant’s physician that states that the Complainant suffers from HIV/AIDS, hypothyroidism, secondary polycythemia, mental depression and anxiety. The College recognizes the Complainant as a student with a disability.

The Complainant applied for admission to the College on November 21, 2012. He began his academic experience at the College during the spring semester of the 2012-2013 academic year. The Complainant’s declared program of study was an Associate of Science in Nursing. In June 2014, the Complainant was provisionally admitted to the full time Generic Nursing Program at the Medical Campus.

Issue 1- Whether the College treated the Complainant differently based on disability when he was dismissed in June 2015.

On June 16, 2015, the Complainant was informed via letter that he was charged with violating the following codes of conduct: #11 Defamation, Threats, Extortion (verbal or written communication that threatens another person), #12 Disruption (noisemaking, or other physical behavior, which is so distracting that it is difficult or impossible to conduct a class), #17 Academic and Speech Freedom (any act that restricts the professor’s or another student’s right to speak is prohibited), and #27 Breach of Peace (conduct or expression on College-owned or controlled property or at College-sponsored events that disrupts the orderly functioning of the College, or which is lewd, indecent or obscene is prohibited).

The charges were the result of complaints and public safety reports filed on June 11, 2015, by six female students in the Complainant’s Psychiatric Nursing Clinical Lab Course (Course). The

Course began on June 9, 2015, and met twice a week. The Course was composed of eight students in total, including the Complainant. The Complainant participated in the course two days (June 9-10) before being placed on temporary suspension pending the charges before a disciplinary hearing.

The six female students detailed written statements included that the Complainant called them “bitches and cunts” (five out of six), intimidated, made belittling and condescending remarks to them, created a hostile learning environment, clenched his fists during class, made verbal threats that he was going to get the “psych” patients to attack them, stated “I wish these bitches get bit up”, and wanted them beat up during the Course. The students indicated in their complaints that they did not feel safe around him, did not want to go into the “psych unit” with him, and that they feared physical retaliation from him.

The Professor’s interview with OCR and written statement he prepared for the Assistant Dean, indicated that he did not hear the Complainant call the other female students names during the course; however, the Professor did note that the Complainant was argumentative and was constantly interrupting the female students who were trying to ask questions. He stated that he tried to continue to talk to other female students, and asked the Complainant to wait for his turn, but he would continue to talk over them. The Professor noted that it became evident that the Complainant was having problems interacting with female students in a civilized and professional manner, and this created an environment non-conducive to learning. The Professor noted that the ambience of the clinical day was hostile due to constant interruptions and negative opinions by the Complainant. The Professor stated that he decided not to go to the “psych unit” at the clinical site that day due to the classroom environment, which he stated was the first time he has ever had to make that decision.

The Assistant Dean of Students (Assistant Dean) stated that after she met with and received the six female students written statements on June 11, 2015, she also gathered a written statement from the Professor and met with the President and Dean to discuss the charges. The Dean stated that the Complainant’s statements were verbal threats since they were in a clinical setting at a “psych ward”, and so they considered it a verbal threat related to safety. The Assistant Dean stated that they reviewed the statements together, looked at the code of conduct, and decided the specific code of conduct violations to charge the Complainant that would later be heard and decided by the disciplinary hearing committee.

The disciplinary hearing was conducted on June 22, 2015, pursuant to the College’s Student Disciplinary Procedure 4030 (Procedure 4030). Procedure 4030 consists of the following components: Investigation; Preliminary Hearing; Formal Charging; Pleas of Guilty or Not Guilty; Hearing before the Campus Discipline Committee or an Administrative Hearing before the Student Dean; Disciplinary Sanctions and Appeals to the Campus President on the basis of severity of penalty and/or violation of the student’s rights as contained in the Procedures.

Per Procedure 4030, the discipline committee was composed of two students, whose names are submitted by the student government association, two faculty, who are chosen by the Academic Dean, and two administrators, one of whom serves as the hearing officer. Each committee member has one vote, with the hearing officer only voting in the event of a tie. Per Procedure

4030, after the fact finding portion of the hearing, the committee meets in a closed session and makes a determination of the guilt or innocence of the student by majority vote for each charge.

In interviews with OCR, the Hearing Officer stated that the committee's votes were unanimous that the Complainant was guilty as related to the three out of the four charges #11 Defamation, Threats, Extortion, #12 Disruption, and #17 Academic and Speech Freedom. The committee did not find the Complainant guilty of the fourth charge, #27 Breach of Peace. After the committee determined the Complainant was guilty they independently decided the sanction of dismissal for the Complainant. One committee member stated during an interview with OCR that the committee reviewed the procedures and recommended dismissal due to the serious nature of the charges.

Of the three charges that the Complainant was determined guilty, #11 Defamation, Threats, Extortion is the only charge in which the Student Code of Conduct's Procedure 4025 elaborates a specific sanction. Specifically, it states for #11 Defamation, Threats, Extortion, "Any violation of this provision will result in automatic suspension for a period of at least one year." #12 Disruption, and #17 Academic and Speech Freedom do not have any specific sanctions associated with their definitions.

All college staff interviewed by OCR denied treating the Complainant differently due to his disability during the disciplinary process, and two committee members interviewed denied being aware that the Complainant was disabled. One committee member stated that they determined the sanction of dismissal based on what was allowed in the procedures and due to the severity of the charges. The College reported that there were no other students at the College who were charged with any of the same codes of conduct violations as the Complainant for the 2013-15 school years.

Per Procedure 4030, the Complainant appealed the committee's determination to the Campus President. Procedure 4030 states that "A student found guilty ...shall have the option to appeal on the basis of severity of penalty and/or violation of the student's rights as contained in these procedures within three school days of the sentencing." On July 1, 2015, the Campus President issued a letter to the Complainant affirming the disciplinary committee's determination and sanction of dismissal in response to the Complainant's appeal. The President's letter did not include any additional information related to the appeal or his rationale for affirming such.

During a rebuttal call with OCR, the Complainant acknowledged responding to the female students by saying "cunts and bitches", although he denied directing the comment to any particular person and he explained that it was within his freedom of speech. He also questioned whether the College considered him a direct threat. The Complainant also contended during his rebuttal that he believed the discipline committee was "stacked against him" and that witnesses that he requested to be present did not appear, which denied him the ability to cross examine them.

During interviews with OCR, the Discipline Chair stated that he chose the committee members based on scheduling matters. Furthermore, the Dean stated to OCR during interviews that the disciplinary process does not allow the College to compel witnesses to attend a hearing and any

witnesses that a student wants to attend must be arranged by the student, which is the same process for any student in a disciplinary hearing.

Analysis and Conclusion

The first step in the analysis of a claim of different treatment based on disability is to determine whether there is evidence that an individual has been treated differently than similarly situated students who are not disabled. If there is a difference in treatment, then the next step is to determine whether the College has a legitimate non-discriminatory, non-pretextual reason for the difference in treatment.

Here, there were no similarly situated students since no other students have been charged with or dismissed for the same code of conduct violations in the past two years. Therefore, OCR went on to examine the College's legitimate non-discriminatory reason for dismissing the Complainant, which was that he violated the code of conduct. Specifically, he was charged and found guilty of #11 Defamation, Threats, Extortion, #12 Disruption, and #17 Academic and Speech Freedom and the committee determined that dismissal was the appropriate sanction.

Threat Assessment

Because part of the College's reasons for dismissing the Complainant related to the code of conduct violation for #11 Defamation, Threats, Extortion, which is in essence an assessment concerning whether he posed a threat to others, OCR has to examine whether the College conducted an assessment that was consistent with OCR's standards. OCR is not making a determination regarding whether the Complainant's conduct violated the College's code of conduct or whether the committee's finding of guilt was proper related to the code of conduct violations. Section 504 and Title II do not require an institution to permit an individual to participate in or benefit from the services, programs, or activities of that institution when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, an institution must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge *or* on the best available objective 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.

Here, OCR found no evidence that the College conducted any type of individualized threat assessment related to the Complainant's behavior. Indeed, when the Complainant appealed his dismissal and sanction to the campus President, the response letter upholding the committee's decision did not include any discussion of whether he had considered any reasonable modifications or lesser sanctions that would mitigate the risk, such as a temporary suspension. Based upon the foregoing, the evidence shows that the committee's decision and President's decision to uphold the committee's dismissal against the Complainant did not include an individualized assessment, which took into account objective evidence concerning the nature and severity of the current risk and probability of injury, as well as consideration of whether a reasonable modification was available. Based on a preponderance of the evidence standard,

OCR finds there is sufficient evidence to support a finding that the College violated Section 504 and Title II with regard to this allegation.

Unalleged Violation-Direct Threat Procedures

During the course of the investigation, OCR reviewed the College's Procedures 4055 related to "Services Provided for Student with Disabilities." Procedure 4055 Section E. Admission to College, Programs, Upper Division, and Graduation states in part, "A student may not be admitted to a program...where the student, even if modifications are made, poses a direct threat to the health or safety of students, staff or others as determined by the student and/or academic dean as appropriate on each campus."

OCR finds that this definition related to direct threat is not consistent with the Title II implementing regulation at 28 C.F.R. § 35.139 definition of direct threat, which states that "In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective 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." Procedure 4055 states that the direct threat assessment may be determined by the student, whereas Title II requires the public entity or College to make the determination. Furthermore, OCR notes that a direct threat assessment may be made prior to admission which would violate the Section 504 implementing regulation at 34 C.F.R. § 104.42(b)(4) which prohibits pre-admission inquiries as to whether an applicant for admission is a person with a disability. Based on the above, OCR finds that the College's Procedure 4055 is not in compliance with Title II and Section 504.

Issue 2- Whether the College retaliated against the Complainant due to his previous OCR complaint by failing to investigate his complaint of "gay discrimination" in June 2015.

In order to determine whether unlawful retaliation has occurred, OCR examines whether: (1) the person has engaged in a protected activity; (2) the recipient was aware of the protected activity; (3) the recipient took adverse action against the person contemporaneous with or subsequent to the protected activity; and, (4) there is a causal connection between the adverse action and the protected activity. If all of these elements are established, OCR then considers whether the recipient can show a legitimate, non-retaliatory reason for its action, and whether the reason is a mere pretext for retaliation.

Protected activity and knowledge

An individual has engaged in a protected activity, and thus is protected from retaliation if: 1) the individual has opposed any act or policy that is unlawful under one of the laws that OCR enforces; or 2) the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, or proceeding or hearing conducted under the laws that OCR enforces. Here, the Complainant previously filed OCR complaint #04-14-2508 against the College on September 19, 2014, that was resolved on April 1, 2015, and also previously filed an internal complaint with the College alleging disability discrimination in April 2014.

Accordingly, OCR has determined the Complainant engaged in a protected activity and the College had knowledge of such.

Adverse act

OCR next determined whether the College took adverse action against the Complainant contemporaneous with or subsequent to the protected activity. To determine whether an action is adverse, OCR must determine whether the College's action significantly disadvantaged the Complainant's ability to gain the benefits of the recipient's program. The Complainant stated to OCR that on June 10, 2015, he submitted a complaint of gay discrimination to the Assistant Dean, but the College failed to investigate his complaint. During a rebuttal call the Complainant noted that he sent additional emails on June 11, 2015, related to these allegations. Specifically, the Complainant stated to OCR that his complaint involved female students in his Course calling him "maricon" or faggot, yelling at him, filing complaints against him and one student bringing in her husband to class on June 11, 2015, which he believed was meant to intimidate him.

For grievances alleging discrimination on the basis of sexual orientation, the College's policy is available at <https://www.mdc.edu/policy/>. It provides in pertinent part:

Any Miami Dade College...student...who believes he or she has been...discriminated against on the basis of...sexual orientation...may seek resolution to his/her complaint through College Procedure 1665, available at www.mdc.edu."

Procedure 1665 provides, in relevant part, that all complaints must be in writing and on the Miami Dade College Discrimination Complaint Form, which is obtained from the College's website or from the OEOP Office. Nevertheless, Procedure 1665 also states that as an alternate point of contact, students may initially advise any College official (Area Head, faculty member, Chairperson, etc.) in whom they have confidence, of a complaint of discrimination. The College official who is advised must refer students to the appropriate office.

Records reflect, that in an email dated June 10, 2015, the Complainant sent an email to the Dean of Student Services, the Assistant Dean, and a Professor entitled, "male nursing students clinical site." The email states that following:

As you are all aware, or should reasonably be aware, of the challenges male nursing students face particularly in clinical rotations with only female students. Much research has been done on this subject and just a mere google search would provided [sic] you information if you are unaware. As im [sic] in clinicals at Jackson with a great professor... I am the only male. Basically im [sic] surrounded by all latino females, and regardless of what they verbalize, they, more than any other ethnic group, have shown open hostility for me being gay.

I just saw the other group with the other professor having about 4 male students and a few African Americans. Can you please have either a male of African American female switch so I do not unnecessarily suffer thru this rotation? Further id [sic] hope going forward that demographic consideration be provided in balancing classes.

OCR's review of the Complainant's additional emails from June 11, 2015, found that he sent three additional emails to the Assistant Dean that day. One email stated that he previously "asked for changes in clinical due to gay discrimination." Another email stated that he was "experiencing gay discrimination by a group of female student[s]... the gang chose to engage in gay bullying by having [a student] bring in her husband around on several occasions... does MDC tolerate bullying? If not do they treat bullying towards gays differently?"

There is no record that the Complainant was referred to the OEOP, which is the appropriate office to investigate complaints of discrimination based on sexual orientation. Furthermore, the Complainant was never notified in writing of any investigation related to the above complaints.

Based on the above, OCR finds that the Complainant notified a college official of a complaint of gay discrimination and the College failed to formally investigate the complaint, which constitutes an adverse act.

Causal Connection

To determine 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 complainant after the College had knowledge of the protected activity; or (c) treatment of the complainant compared to other similarly situated persons.

Here, the Complainant previously filed OCR complaint #04-14-2508 against the College on September 19, 2014 that was resolved on April 1, 2015, and also previously filed an internal complaint with the College alleging disability discrimination in April 2014. Accordingly, the adverse actions occurred in June 2015 when the College failed to formally investigate his complaint of gay discrimination. Thus, there is a sufficient closeness in time between knowledge of the protected activities and the adverse actions to infer a causal connection. Accordingly, a prima facie case of retaliation is established.

Legitimate Non-discriminatory Reason and Pretext

Once a prima facie case of retaliation is established, the recipient must articulate a legitimate, non-retaliatory reason for its action, and if so, the evidence is analyzed to determine whether the proffered reason is merely an excuse or pretext for retaliation. Pretext may be shown by evidence that: (1) the explanation for the adverse action is not credible or believable; (2) the individual was treated differently than other individuals who were similarly situated but had not engaged in a protected activity; or (3) the treatment of the individual was inconsistent with established practice or policy.

The College's legitimate nondiscriminatory reason is that they did not interpret the Complainant's email to be a complaint of discrimination, and that the Complainant was aware of the appropriate method of filing a complaint with the OEOP since he had previously filed a complaint there. The Assistant Dean of Students stated that she did not interpret the Complainant's email to be a complaint of discrimination because it was in the context of a

response to the charges brought against him by his female classmates and appeared to be a request to change courses. She stated to OCR that once he saw that the female students were complaining about him that she then got a barrage of emails from the Complainant.

The Assistant Dean further stated that in the context of her investigation related to the code of conduct charges against the Complainant she did investigate and ask the female students if they called the Complainant “maricon” and all the students denied the comment. She stated she also inquired about the student’s husband attending class and she stated he was a student at the College and was there related to another class, which was allowed. The Assistant Dean stated that she was in constant contact with the Director of the OEOP related to the charges, and they found his allegations of gay discrimination to be unsubstantiated.

During a rebuttal call with the Complainant he acknowledged previously knowing and using the OEOP complaint process, but contended that there was no definitive process and that the procedures allowed for other mechanisms.

Analysis and Conclusion

Records reflect that the Complainant sent several emails to College staff stating that he was “experiencing gay discrimination” or “gay bullying”, which is a protected basis under the College’s OEOP procedures. OCR found that the Assistant Dean investigated the substance of the Complainant’s allegations in the context of her investigation related to the charges against him, which she found were unsubstantiated; nevertheless, she did not refer him to the OEOP office, per the College’s procedure, which is the appropriate office to formally investigate complaints of gay discrimination. Furthermore, the Complainant was never referred to the appropriate office and or notified in writing of any investigation.

OCR did not complete this aspect of the investigation prior to the College expressing an interest in resolving the allegation. Nevertheless, OCR’s investigation identified areas of concern with regard to the failure of the College to refer the Complainant’s allegations to the appropriate office in accordance with the College’s procedures, which the College has agreed to remedy.

Resolution Agreement

To remedy the compliance concerns raised by OCR’s investigation, the College has agreed to implement the provisions of the attached Resolution Agreement (Agreement) which, when fully implemented will resolve the allegations. Pursuant to the terms of the Agreement, the College will modify its policies and procedures to eliminate the consideration of direct threat at the pre-admission stage of the application process and, with respect to discipline, suspensions and dismissals, will include, where applicable, a direct threat assessment consistent with the Title II implementing regulation at 28 C.F.R. § 35.139, conduct training related to the revised policies and procedures, rescind the Complainant’s dismissal and conduct a direct threat assessment of the Complainant related to his conduct at the College in June 2015, and send the Complainant a letter referring him to the OEOP related his allegations of gay discrimination and offering to conduct a formal investigation when he completes the Complaint Discrimination Form.

The Agreement is aligned with the complaint allegations and the information obtained thus far and is consistent with applicable regulations under Section 504 and Title II. OCR will monitor

the implementation of this Agreement to ensure that it is fully implemented. If the College fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II.

This concludes OCR's investigation of the complaint and should not be interpreted to address the College's compliance with any other regulatory provision or to address any other issues other than those addressed in this letter. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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 College 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.

If you have any questions, please contact Lorraine Irier, Attorney at (404) 974-9349 or the undersigned at (404) 974-9776.

Sincerely,

/s/

Arthur Manigault
Compliance Team Leader