



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

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ATLANTA, GA 30303-8927

REGION IV

ALABAMA
FLORIDA
GEORGIA
TENNESSEE

August 9, 2022

VIA EMAIL ONLY TO: mrodgers@esc.c.edu

Mr. Matt Rodgers
President
Enterprise State Community College
600 Plaza Drive
Enterprise, Alabama 36331

Re: OCR Complaint #04-22-2077

Dear Mr. Rodgers:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education, Office for Civil Rights (OCR) received on December 14, 2021, against Enterprise State Community College (College). The Complainant alleged that the College discriminated against her on the bases of race, sex, and age, and retaliated against her while she was a student at the Alabama Aviation College, an academic program within the College.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance; and the Age Discrimination Act of 1975 (Age Act), 42 U.S.C. §§ 6101 *et seq.*, and its implementing regulation, 34 C.F.R. Part 110, which prohibit discrimination on the basis of age by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department of Education, the College is subject to Title VI, Title IX, and the Age Act, and to OCR's jurisdiction.

OCR investigated:

1. Whether the College failed to take appropriate action in response to a complaint of discrimination or harassment based on age, in violation of the Age Act and its implementing regulations at 34 C.F.R. § 110.10 and 110.25.¹
2. Whether the College subjected the Complainant to different treatment on the basis of race, in violation of Title VI and its implementing regulation at 34 C.F.R. §§ 100.3(a) and (b).

¹ In the notification letters to the parties, OCR referenced only the Age Act regulatory subpart at 34 C.F.R. § 110.10. This letter revises the issue statement to reflect all relevant regulatory subparts.

3. Whether the College subjected the Complainant to different treatment on the basis of sex, in violation of Title IX and its implementing regulation at 34 C.F.R. §§ 106.31(a), and (b)(2)-(4), (7).
4. Whether the College subjected the Complainant to retaliation, in violation of the Age Act and its implementing regulation at 34 C.F.R. § 110.34.²

To date, OCR has reviewed documents and information provided by the College regarding the race, sex and age of students in the Complainant's summer 2021 Aviation Maintenance Technology, or AMT, 124 class and the fall 2021 AMT 125 class; the College's attendance policies; the syllabus, attendance records and tests for the Complainant's fall 2021 AMT 125 class; documents related to reports of threats made during the 2020-2021 school year; and written statements from College witnesses. Also, OCR interviewed the Complainant, the Alabama Aviation College Program Director, the Aviation Division Chair, a campus police officer, the instructor of the Complainant's AMT 124 and 125 courses (Instructor), and two student witnesses, as identified in the letter as Student witness A and Student witness B.

Prior to the completion of OCR's investigation, the College requested to resolve Issues 1 - 3 under Section 302 of OCR's *Case Processing Manual* and has agreed to enter into a resolution agreement that will resolve the allegations. OCR's *Case Processing Manual* at Section 302 states that allegations under investigation may be resolved at any time when, prior to the completion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement.

After carefully considering all the information obtained during the investigation, OCR has found insufficient evidence of a violation with respect to Issue 4.

Following are the relevant legal standards, OCR's summary of the evidence obtained to date, and an explanation of the findings regarding Issue 4.

Legal Standards

Age

The regulation implementing the Age Act at 34 C.F.R. § 110.10 (a) provides that no person may, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance; (b) a recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions that have the effect, on the basis of age, of: (1) excluding individuals from, denying them the benefits of, or subjecting them to discrimination under a program or activity receiving Federal financial

² In the notification letters to the parties, OCR referenced the Age Act regulatory subpart that specifies rules prohibiting general age discrimination, 34 C.F.R. § 110.10. This letter has revised the referenced subpart to cite the regulatory subpart regarding retaliation.

assistance; or (2) denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

The regulation implementing the Age Act at 34 C.F.R. § 110.25 provides that: (a) each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Act, including investigation of any complaints that the recipient receives alleging any actions that are prohibited by the Act; (b) a recipient shall notify its beneficiaries, in a continuing manner, of information regarding the provisions of the Act, and the notification must also identify the responsible employee by name or title, address, and telephone number; and (c) a recipient shall adopt and publish grievance procedures providing for a prompt and equitable resolution of complaints alleging any action that would be prohibited by the Act.

The Age Act implementing regulation at 34 C.F.R. §110.34 provides that a recipient may not engage in acts of intimidation or retaliation against any person who attempts to assert a right protected by the Act or its regulations, or cooperates in any mediation, investigation, hearing or other part of the Department's investigation, conciliation, and enforcement process. A claim of retaliation will fail if a recipient can provide a legitimate non-retaliatory reason for an alleged adverse action and OCR finds no evidence that the reason is pretextual.

Race

The regulation implementing Title VI at 34 C.F.R. § 100.3(a) provides that no person shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which Title VI applies. The regulation implementing Title VI at 34 C.F.R. § 100.3(b)(1)(i)-(iv) states that a recipient under any program to which Title VI applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin, deny an individual any service, financial aid, or other benefit provided under the program; provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; subject an individual to segregation or separate treatment in any matter related to his/her receipt of any service, financial aid, or other benefit under the program; or restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.

Sex

The regulation implementing Title IX at 34 C.F.R. § 106.31(a) provides that “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance.” The Title IX implementing regulation at 34 C.F.R. § 106.31(b)(2)-(4) and (7), provides that in providing any aid, benefit or service to a student, a recipient shall not, on the basis of sex, provide different aid, benefits, or services, or provide aid, benefits, or services in a different manner; deny any person any such aid, benefit, or service; subject any person to separate or different rules of behavior, sanctions, or other treatment; or otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Facts

The Complainant started at the Alabama Aviation College as a dual-enrolled high school student and enrolled as a full-time student in fall 2020. The Complainant was enrolled in the summer 2021 AMT 124 course. The Complainant was 18 years old at that time.

There were 10 students enrolled in the AMT 124 course during the summer 2021 semester. The College reported that one of the other students was 19 years old and the ages of the remaining students ranged from 20 to 32. Including the Complainant, there were four females and six males enrolled in the course.

The Complainant, who alleged only age and sex discrimination with regard to the AMT 124 course, asserted that the Instructor treated her harshly from the outset of the AMT 124 course, including by using profanity on the first day of class while commenting on her fingernails, cursing at her when she tried to ask questions, and telling her that she was too young to be in his class. The Instructor told OCR that he did not tell the Complainant that she was too young to be in his class. The Instructor also told OCR that he does not curse at the students directly, but he will curse at a situation. Student witness A, told OCR that during the AMT 124 course, the Complainant had a lot of questions, and those questions would irritate the Instructor. She stated that he would get smart with the Complainant more than any other student.

The Complainant and the student that the College reported was 19 years old, received an “A” in the AMT 124 course. The three other Black female students received “Bs”. All other students received an “A” in the course.

During fall 2021, the Complainant was enrolled in the AMT 125 course, which was also taught by the Instructor. The course focused on inspections and overhauls of turbine engines.

The Complainant alleged that during that course she experienced discrimination based on race and sex, including through the Instructor telling her daily that he was going to fail her, not answering her questions, docking her hours, requiring the Black females in the class to complete a task that others were not required to complete, and treating a White male student more favorably than he treated the Complainant and other Black females assigned to work together as a group. With regards to the dynamics between the Instructor and the Complainant, the Instructor told OCR that he never told the Complainant that he was going to fail her, but he implicitly acknowledged that he sometimes did not answer her questions. He said he answered her questions when it was appropriate and if a student asks a question that can be found in the manual, he will tell them to look it up themselves in the manual.

Student witness A told OCR that the Instructor was very rude to the Complainant during the AMT 125 class. She also said that while the Instructor generally treated the Black female students differently than other students and would not answer their questions, he singled out the Complainant the most, and told the witness the Complainant was “stupid.” Student witness B, a White male who told OCR he viewed “the whole situation” as unfair to the Instructor, described the interactions between the Complainant and the Instructor as arguments that he attributed to the Complainant not wanting to receive any feedback from the Instructor.

With regards to specific events that occurred during the semester, on August 24, 2021, the Instructor docked hours from the Complainant, noting on her attendance record that he did so because she was texting during a lecture. He docked her hours again on September 13, 2021, noting on the attendance record that she returned to class an hour after dinner break and was missing for half an hour. A maximum total of 14 hours of absences was permitted in the AMT 125 course.

According to a written statement from the College's Chief of Police, on October 14, 2021, he received an anonymous text from a student stating that during breaks on the Ozark campus, which houses the Aviation College, several people, including a named White female, were using a liquid THC that is used for vaping. The Chief's statement said that at the time it was not possible to detect an odor of burning marijuana and he and a campus police officer discussed the use of drug detection canine units from a local police department.

From October 18 through October 25, 2021, the Instructor docked the Complainant's hours three times, documenting the following reasons: October 18, 2021, because the Complainant was seen on her phone twice during class time; October 19, 2021, because the Complainant was using her phone during class time and wandering around the building to take calls and texts; and October 25, 2021, because the Complainant was missing a half hour prior to break time. The total docked time for the AMT 125 course at that point was 12.56 hours.

On October 25, 2021, the Instructor reminded the class that there was a test scheduled for the next day. On October 26, 2021, multiple students said they were not prepared and asked for another week to study. The Instructor told OCR he agreed to give the students more time to study but told OCR that he notified them that he could not give them the same test and the makeup test would not have a word bank like the original test. He also told OCR that all the students agreed to his terms. No other witness interviewed by OCR corroborated that the Instructor told the students they would not have a word bank for the make-up test.³ Six White males, one White female, one Hispanic male, and one Asian male took the test on October 26, 2021; the test included a word bank.

On October 26, 2021, the Complainant asked the Instructor to reconsider her docked time, but he denied her request. The Instructor told OCR that he has to dock a student's time when he or she is not paying attention in class, and that the course syllabus states that students cannot use electronic devices during class. He also said that the docking policy is consistent with a Federal Aviation Administration requirement, and all students must be docked if they are on their cell phone.

On October 27, 2021, the Complainant complained verbally to the Program Director about her experiences with the Instructor. She reported that the Instructor told her that she was too young to be an Airframe and Power Plant, or A&P, technician, was docking too much of her time, and told her he was going to fail her. With regards to the reported age-related comment, the Program Director told OCR that he told the Complainant that an individual could train and test for the A&P license before turning 18 but had to be 18 to obtain the license. He said he also told her that he would speak with the Instructor, but he wanted to have her complaints in writing.

³ On November 3, 2021, six students reported to the Program Director that the Instructor told all students on the original test day that if they waited, they would lose the word bank.

On October 28, 2021, the Program Director had a staff meeting and reminded the instructors that the school is an open enrollment school without an age limit for attending, and applicants can test for an A&P license at any age but cannot hold an A&P license until they are 18 years old. According to the Program Director, the Instructor responded that some students are too immature to hold an A&P license.

On November 2, 2021, the Complainant, the other Black students in the class, and three White males took the makeup test. The makeup test did not have a word bank.

On November 3, 2021, six students went to the Program Director's office and reported that the Complainant said she would have her dad and uncle beat up the Instructor because of the makeup test. After the meeting, the Program Director told the Instructor about the threat, but the Instructor already knew because another student had already told him. On that same day, the Program Director also notified a campus police officer about the threat but did not tell the campus police officer about the Complainant's complaint about the Instructor.

The campus police officer and another officer contacted the Complainant and asked her about the threat. She denied making any threats towards the Instructor; she also said that she and the Instructor "were cool" and he had not "messed with her" in a while. The campus police officer told OCR that once the Complainant denied making the threatening statement, he did not proceed any further. He stated that he knew he would not be able to bring charges based on a "he said/she said" situation, so that was the end of his involvement. The Complainant believes the investigation of the alleged threat was an act of retaliation for her complaint regarding the Instructor's age-related comment.

On November 9, 2021, the Complainant, two other Black female students and a White male student were working together as a group. The Instructor tested the group on safety wiring. According to the Complainant and Student witness A, the Instructor did not require other students to do this assignment. The Instructor told OCR that he had tested all students on that day; however, while there is documentation regarding this testing in the attendance records of students in the Complainant's group, there is no similar documentation in the records of other students in the class and it is not clear why there is no documentation for the other students.

The Instructor told OCR that some students were weak in this area because they had not taken his theory class. He stated that the Complainant's group should have been able to finish safety wiring all 14 fuel nozzles on the engine, but they did not even finish half of the nozzles. In notes that he entered in attendance records for the students in the group, the Instructor reflected that the Complainant "accomplished safety wiring the 14 fuel nozzles," but characterized it as "only" accomplishing that task and noted that she was part of a group of 4 students. For the other two Black females, the Instructor noted that they only accomplished safety wiring 3 nozzles and again noted that they were part of a group of 4. The Instructor characterized the White male's work as having "finished his" wiring of 5 nozzles and then accomplished another task.

On November 16, 2021, the Dean of Students, who was also trained as a Title IX Coordinator, investigated the Complainant's reported threat against the Instructor by talking to all the students in the class. The students had varied responses, so the Complainant did not receive a disciplinary

sanction since it could not be established that she made the threat and the Instructor had not personally heard the threat. The Dean of Students also decided that the Instructor needed to go through sensitivity training to learn how to better communicate with all students in his class.⁴

On November 30, 2021, the College conducted a search of vehicles on the campus using a local canine unit. A campus police officer told OCR that the search had been previously scheduled for two earlier dates but had to be rescheduled to November 30th. He said the College obtained one canine unit from a sheriff's office, and open air searched 25 randomly parked and unoccupied vehicles. The canine showed a positive alert on three of the 25 vehicles. The campus police officer obtained the names of the owners of the vehicles by checking the registration records and had the owners come to the vehicle to witness the search of the content of the cars. No narcotics were discovered in any of the vehicles. He confirmed to OCR that the Complainant's car was one of the cars that received an alert but said that no one had knowledge that it was her car before conducting the open air search. The Program Director stated that in order to make sure that the word does not get out, searches are not announced ahead of time, and he was not aware that the campus police officer was searching cars on November 30, 2021. The Complainant believes the search of her vehicle was an act of retaliation for her complaint regarding the Instructor's age-related comment.

Prior to the final exam scheduled for December 13, 2021, the Instructor told the Program Director that the Complainant had failed an engine overhaul practical and would not be able to take the final exam. On the exam day, the Program Director saw the Complainant in the classroom appearing to be studying and summoned Campus Police to the room; he told OCR that he called Campus Police so there would not be a scene when the Complainant learned that she could not take the exam. While the officer was in the classroom, the Instructor told the Complainant and Student witness A, the other Black female in their assigned group, that they failed the engine overhaul practical so they could not take the final exam.⁵ However, the Instructor did not tell the White male in their group that he failed, and the White male was allowed to take the final. The Instructor told OCR that he believed the White male had performed well above the others and should have been given credit for that work. He stated that he told everyone how to get extra points to bring their grades up and the White male did some extra work, including some fabrication work on the engine, but the Complainant and Student witness A did not do any extra work. Student witness A told OCR that the White male had just signed his name off on everything to make it look like he had done all the work.

Student witness A and the Complainant also spoke to the Program Director, who told them that if they had not completed the engine, they could not complete the final. The Program Director asked the Aviation Division Chair to join a meeting in which the Complainant complained about the engine practical and final exam, and afterwards both the Program Director and the Aviation Chair reviewed the situation further. On December 14, 2021, the Aviation Division Chair advised all three group members that their engine was not completed to the applicable standard, they had been assigned an incomplete grade until the engine was completed to the standard, and upon completion

⁴ On February 4, 2022, the Instructor attended a diversity conference hosted by the Alabama Community College System Office. The College also contracted with an organization outside of the College to provide sensitivity training for the Instructor.

⁵ At that time, one of the Black females had left the program; thus, the group consisted of the Complainant, another Black female and the White male student.

of the engine and receiving a satisfactory grade, they would be scheduled to take the final exam on January 4, 2022. At that point the White male in the group had already taken the exam, but he still needed to complete the engine to pass the class and the group had to work together to complete the engine.

In a December 15, 2021 email to two College Deans, the Complainant said she was providing notice of harassment by the Instructor and stated that when the team members went to work on the engine on December 14, 2021, the Instructor wasted their time and gave them unnecessary tasks. The Complainant then requested the presence of either one of the two Deans or another division chair in the classroom while they completed the practical for the remainder of the process.⁶ The College granted her request, and a Dean and the division chair were present during lab on the evenings when the three students completed the engine.

After completing the engine, the Complainant and Student witness A were permitted to take the final exam on January 4, 2022. The original final exam had 75 multiple choice questions, 39 short-answer questions, and a matching diagram. The makeup final exam had 50 short-answer questions and 50 multiple choice questions. The Complainant passed the exam with a 71.3 and earned a grade of 79 for the AMT 125 course.

The Complainant received a C in the AMT 125 course. One Black female failed the course, and the other two Black females withdrew from the course. One White male received an incomplete in the course. The remaining grades received were two As, six Bs, and four Cs.

The College's Policies and Practices

The College has a statement of nondiscrimination against employees based on age, as well as a procedure for filing and investigating employee complaints of age discrimination that the employee has experienced or observed. The procedure does not apply to student complaints. The College also has a complaint policy for students; the policy covers academic complaints and complaints regarding student services such as admissions and counseling, but this policy does not reference discrimination. Although the College's representative reported to OCR that two individuals serve as Age Act coordinators, neither policy identifies a designated employee to coordinate investigations of age discrimination complaints.

The syllabus for the AMT 125 course stated that attendance for the AMT program is more restrictive than the College's general attendance policy. A maximum absence of 14 hours or 10% of the approved 140 hours of curriculum time is allowed. In addition, it states that students that are not engaged in the learning process, i.e., sleeping, playing games on a cell phone, reading non-class material, etc., will not be given attendance credit for the time they are not engaged. The syllabus also states that the use of electronic devices must be approved by the instructor during class or laboratory time. This same information is included in the Alabama Aviation College's time and attendance rules.

⁶ She stated in the email that she had made verbal complaints to the Program Director on October 27, 2021, and to the Dean of Students on November 4, 2021, of the abusive and hostile learning environment the Instructor created for students on the Ozark Campus. She stated that the abusive behavior had continued.

The Complainant alleged that ten other students were caught on their phones during the AMT 125 class; these students included six White males, one White female, one Black male, one Black female, and one Hispanic female. These students' attendance records show that the Instructor did not dock their time for cell phone usage. The attendance sheets for the rest of the class show that the Instructor docked time from two other students. He docked 11.95 hours from a White male, noting that some of the time was docked for leaving early on two separate days. A Black male had 3.5 hours docked, and it was noted that he took a long break on one occasion and was not participating in lab work on another occasion. No other students had their time docked for using a cell phone or other electronic device.

The Program Director told OCR that notifying the campus police officer is standard procedure if he receives a report of a threat. The campus police officer stated that when he receives information about a threat, he contacts the people involved and then decides next steps.

In response to OCR's request for documentation related to reports of threats against professors during the 2020-2021 and 2021-2022 school years, the College identified two reports that were made during the 2020-2021 school year. For both reports the College conducted investigations and the Dean of Students was involved in the resolution. One student admitted to the threat; following a disciplinary hearing and appeal, he received a suspension for the remainder of the spring 2021 semester and permission to reenroll for the summer 2021 semester, with probation for the duration of his time at the College. With regards to the second student, after an investigation, it was determined that the student threatened the Instructor. The second student waived her right to a hearing, was placed on probation for the summer and fall 2021 semesters and was required to complete 50 hours of community service on the College's campus. The documentation shows that during the College's investigation a student witness reported that the Instructor subjected the second student, a Black female, to similar treatment as the Complainant, including cursing at her, yelling at her, and pointing his finger in her face.

The campus police officer told OCR that the College periodically conducts random vehicle searches and contacts one of the local canine agencies and arranges for the dogs to come out. He stated that during a search, the dogs will do open air sniffs of multiple vehicles, and if they get an alert on one of the vehicles, they will contact the owner of the vehicle based on registration records.

Analysis

Issues 1- 3

Based upon the evidence obtained thus far, OCR has noted concerns with the College's notice of nondiscrimination and policies regarding the investigation of age discrimination complaints. The policies provided by the College do not include a designated employee to coordinate investigations of age discrimination complaints, nor is there a policy that applies to students.

In addition, based upon the evidence obtained thus far, there is a concern that the Instructor generally treated Black females less favorably than other students, treated the Complainant and other Black females in her assigned group less favorably than the White male assigned to the group in the AMT 125 class, and treated the Complainant, one of the youngest students in both AMT 124 and AMT 125, worse than the other Black females, who were older than the Complainant.

Prior to completing the investigation, the College expressed a willingness to enter into a 302 Resolution Agreement.

Proposed Resolution

To resolve the identified concerns described above, the College entered into the attached Resolution Agreement, that requires the College to update its policies regarding nondiscrimination on the bases of age and sex. The College will also provide anti-discrimination training to staff, to include the requirements of the Age Act, Title VI and Title IX, including that discrimination and/or harassment based on age, race, color national origin, or sex is prohibited and will not be tolerated. The College will also conduct observations or evaluations of the Instructor's classes and offer students the option to evaluate the Instructor's class. OCR will monitor the implementation of the agreement until the College is in compliance with the terms of the statutes and regulations at issue in this complaint.

Issue 4

OCR finds insufficient evidence of retaliation, as alleged. The College articulated legitimate reasons for the investigation of the Complainant regarding an alleged threat and the vehicle search. The evidence shows that students in the Complainant's class reported that they heard the Complainant make a threat against the Instructor. The alleged threat was reported following the Program Director's protocol. Further, the investigation of the report was consistent with the response to other reported threats against faculty, and no action was taken against the Complainant when the College could not substantiate the threat.

Also, the evidence shows that the search of the Complainant's vehicle resulted from a random open air search of multiple vehicles. There was a further search of all the vehicles that received an alert. Although the Complainant's vehicle was one of the vehicles that was searched, there is no evidence to indicate that anyone had knowledge that it was her vehicle before the canine was alerted to the vehicle and the campus police officer checked vehicle registration records.

There is no evidence of pretext, as the College followed its standard practice in response to both incidents. Based on the foregoing, OCR has determined that there is insufficient evidence to support a finding that the College retaliated against the Complainant, as alleged.

Conclusion

This concludes OCR's consideration of this complaint. 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.

OCR would also like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in Federal court whether or not OCR finds a violation.

The Complainant has a right to appeal OCR's determination within 60 calendar days of the date indicated on this letter. In the appeal, the Complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal. If the Complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the recipient. The recipient has the option to submit to OCR a response to the appeal. The recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the recipient.

Please be advised that the College may not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual 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. If 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 regarding this matter, please contact Kristen Williams, General Attorney, at (202) 987-1866 or me, at (404) 974-9356.

Sincerely,

/s/ Wendy Gatlin

Wendy Gatlin

Compliance Team Leader