



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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CHICAGO, IL 60661-4544

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October 15, 2014

Kent Hanson, Ph.D.
President
Anoka-Ramsey Community College
11200 Mississippi Blvd NW
Coon Rapids, MN 55433-3470

Re: OCR #05-14-2395

Dear Dr. Hanson:

This is to advise you of the disposition of the above-referenced complaint that was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) on May 8, 2014, against Anoka-Ramsey Community College (College) alleging discrimination on the basis of disability and also alleging retaliation. Specifically, the Complainant, a student enrolled in the College's Nursing Program (Program) during the spring 2014 semester, alleged the College discriminated against him based on his disability (Attention deficit disorder and general anxiety disorder) and retaliated against him because he filed a complaint against the College with OCR in December 2013, when:

1. In April 2014 the College failed to provide the Complainant with agreed upon accommodations for the Clinical Nursing Course (Course) in which he was enrolled.
2. In April 2014 the College reprimanded the Complainant for completing assignments outside of clinical hours at an off-campus clinic.
3. From January 2014 through May 2014 the instructor of the Course (Instructor A) and another nursing instructor (Instructor B) omitted the Complainant from the group emails they sent to all other students enrolled in the Course.
4. In May 2014 Instructor A failed to conduct an in-person review with the Complainant and withheld his mid-term evaluation and the grades for his assignments and hardcopies of his graded assignments.
5. In May 2014 Instructor A did not provide the Complainant with the standard evaluation form for the Course that was used to evaluate all other students enrolled in the Course.
6. In May 2014 Instructor A delayed in allowing the Complainant to make-up two missed clinical assignments and Instructor A told the Complainant that completion of the assignments would not change the College's determination that he had failed the Course.
7. In May 2014 the College failed the Complainant in the Course and did not award him an Associate Degree in Nursing.
8. In May 2014 the Complainant filed a grievance with the College and the College did not follow its grievance procedures and misinformed the Complainant about the grievance procedures.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits

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

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discrimination on the basis of disability by recipients of Federal financial assistance (FFA). OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. These laws also prohibit retaliation. As a recipient of FFA from the Department and a public entity, the College is subject to these laws.

In accordance with Section 302 of OCR's *Case 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 complaint. Prior to the conclusion of OCR's investigation, the College expressed an interest in resolving the complaint. On October 14, 2014, the College signed the enclosed agreement (Agreement) which, when fully implemented, will fully address the issues raised in the complaint. The provisions of the Agreement are aligned with the issues raised by the allegation and the information obtained during OCR's investigation and are consistent with the applicable regulations. OCR will monitor the College's implementation of the Agreement. We look forward to receiving the College's first report on its implementation of the Agreement, which is due by November 7, 2014.

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 provide by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation extended to OCR during the resolution of this complaint. If you have any questions about this determination, please feel free to contact me or Emily Martin, Equal Opportunity Specialist, at 312-730-1560.

Sincerely,

Ann Cook-Graver
Supervisory Attorney

Enclosure

cc: Kevin Finnerty
Assistant Attorney General