



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

February 23, 2017

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

Re: OCR Docket #05-15-2554
Anoka Ramsey Community College

Dear Dr. Hanson:

This is to advise you of the disposition of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) on September 28, xxxx, against Anoka-Ramsey Community College (College) alleging discrimination on the basis of race XXXXXXXX, sex (male), age XXXX and alleging retaliation.

Specifically, the complaint alleges that:

- (1) The College discriminates on the bases of age and sex because it does not have adequate discrimination policies and procedures on the basis of age and sex; and,
- (2) After the Complainant, a former XXXXXXXX student, complained of age, race and sex discrimination and notified college staff of his intention to file with OCR in spring xxxx, the College retaliated against him when:
 - a. The College denied his re-enrollment in the xxxxxxxx program in June xxxx;
 - b. Xxxxxxxx Instructors failed to provide academic assistance and feedback to him in spring xxxx.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§2000d-2000d-7, and its implementing regulation at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color or national origin. OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) 20 U.S.C §§1681-1688 and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination based upon sex. OCR also enforces the Age Discrimination Act of 1975, (Age Act) 42 U.S.C. §§ 6101-6107) and its implementing regulation, 34 C.F.R. Part 110. The Age Act prohibits discrimination on the basis of age by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the College is subject to these laws. These laws also prohibit retaliation.

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

During its investigation, OCR reviewed documents provided by the College and the Complainant and interviewed the Complainant, a College student and College staff. OCR carefully considered the relevant evidence in this case and has determined that based on the preponderance of the evidence standard, there is insufficient evidence to conclude that the College discriminated against the Complainant as alleged in Allegation # 2.

However, as to Allegation #1, OCR noted some deficiencies regarding the College's grievance procedures pursuant to Title IX and the Age Act. The College has agreed to address its deficiencies in a Resolution Agreement (enclosed). The bases for OCR's determinations are set forth below.

Relevant College Policies and Procedures

The College has a Non-Discrimination Notice¹ that states,

Anoka-Ramsey Community College is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and condition of employment, personnel practices, or access and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, or membership or activity in a local commission as defined by law. Harassment of an individual or group on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, or membership or activity in a local commission has no place in a learning or work environment and is prohibited. Sexual violence has no place in a learning or work environment. Further, Anoka-Ramsey Community College shall work to eliminate violence in all its forms. Physical contact by designated system, college, and university staff members may be appropriate if necessary to avoid physical harm to persons or property.

The Non-Discrimination Notice identifies three College employees who are designated to coordinate its efforts to comply with and carry out its responsibilities under the Age Act, Title IX, and other anti-discrimination laws. The Notice provides the name, title, street address, email address, and telephone number of each employee. It specifically identifies one of the employees as the Title IX Coordinator.

¹ <https://www.anokaramsey.edu/about-us/policies-disclosures/non-discrimination/>

All of the College's Policies and Procedures at issue in this complaint were directly adopted from the rules and regulations drafted and adopted by the Board of Trustees of the Minnesota State Colleges and Universities (MNSCU) system.² The College has not amended or modified MNSCU's policies and procedures.

Equal Opportunity and Nondiscrimination in Employment and Education (Policy 1B.1)³

Policy 1B.1 provides that no person shall be discriminated against in access to and participation in, programs, services, and activities on the basis of sex or age, among other bases.

Policy 1.B.1 indicates that it applies to all individuals affiliated with the College and is intended to protect the rights and privacy of both the complainant and the respondent. It also includes definitions and examples of discrimination, harassment and retaliation.

Policy 1B.1 also prohibits retaliation. It indicates that retaliation includes intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she:

- a. made a complaint under this policy;
- b. assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c. associated with a person or group of persons who are of a different race, color, sexual orientation, gender identity, gender expression, or national origin; or
- d. Made a complaint or assisted or participated in any manner in an investigation or process with the U.S. Department of Education Office for Civil Rights, or other enforcement agencies.

Report/Complaint of Discrimination/Harassment Investigation and Resolution (Procedure 1B.1.1)⁴

Procedure 1B.1.1 provides that all individuals affiliated with the College are protected from discrimination and harassment. Procedure 1B.1.1 indicates that reports of discrimination or harassment may be filed with the designated officer of the College. The contact information

² The MNSCU system is governed by a 15-member Board of Trustees appointed by the governor. The Board has policy responsibility for system planning, academic programs, fiscal management, personnel, admissions requirements, tuition and fees, and rules and regulations. <http://www.minnstate.edu/board/index.html>

³ <http://www.anokaramsey.edu/about-us/policies-disclosures/policies-procedures/policy-1b1-equal-opportunity-and-non-discrimination-in-employment-and-education/> . Effective September 20, 1994, amended January 29, xxxx.

⁴ <http://www.anokaramsey.edu/about-us/policies-disclosures/policies-procedures/procedure-1b111-reportcomplaint-of-discriminationharassment-investigation-and-resolution/> Effective May 5, 2003, amended May 31, xxxx.

of the designated officer appears in the Non-Discrimination Notice. It allows for formal and informal resolution options, does not provide specific time frames for major stages of the investigation, but states that investigations will be completed within 60 days and provides a time frame for appeals. Procedure 1B.1.1 describes the decision making process and states that the College will inform the parties of its determination in writing.

Procedure 1B.1.1, Subpart C. Scope, states, “This procedure is not applicable to allegations of sexual violence; allegations of sexual violence are handled pursuant to Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1.”

Sexual Violence Policy (Policy 1B.3)⁵

The College maintains a separate policy for sexual violence complaints. Policy 1B.3 applies to students, College employees and third parties, as appropriate, when incidents of sexual violence have been reported. Policy 1B.3 includes examples of sexual violence and a definition of consent. It also indicates that Policy 1B.3 applies to reports of sexual violence committed off campus against or by students and College employees. Policy 1B.3 indicates that its implementation shall be consistent with the standards set forth in Procedure 1B.3.1 Response to Sexual Violence.

Procedure Sexual Violence Policy (Procedure 1B.3.1)⁶

Procedure 1B.3.1 indicates that it is intended to protect the rights and privacy of both the complainant, respondent and other individuals involved in a complaint of sexual violence or sexual assault. Procedure 1B.3.1 encourages individuals to promptly report incidents of sexual violence and encourages them to seek the services of counselors, health care providers, and the campus’s Title IX coordinator. It sets forth the parties’ rights, describes the complaint investigation process including a requirement that the parties be provided notice of the outcome of the complaint investigation, and describes a range of sanctions that can be imposed on an individual found to be responsible for sexual violence. Procedure 1B.3.1 states that a complainant may withdraw a complaint but the college may continue its investigation and resolution of the complaint, as appropriate. It also defines and prohibits retaliation.

In apparent contradiction to the statement in Procedure 1B.1.1, Subpart C. Scope, which states, “This procedure is not applicable to allegations of sexual violence; allegations of sexual violence are handled pursuant to Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1,” Procedure 1B.3.1, Subpart B. General principles, states, “Colleges,

⁵ <http://www.anokaramsey.edu/about-us/policies-disclosures/policies-procedures/policy-1b3-sexual-violence/> Effective April 21, 2004, amended November 21, xxxx.

⁶ <http://www.anokaramsey.edu/about-us/policies-disclosures/policies-procedures/procedure-1b311-sexual-violence/> Effective May 17, 2004, amended July 13, 2016.

universities, and the system office shall use System Procedure 1B.1.1. . . when investigating complaints of sexual violence.”

Factual Summary

Background

The Complainant enrolled in the College in the XXXXXXXX program. During the fall of XXXX, he enrolled in and withdrew from a xxxxxxxxx course prior to its completion. The Complainant informed OCR that he withdrew from the xxxxxxxxx course because he learned after he registered for the course that it was not required for admission to the College’s xxxxxxxx program. In the spring of XXXX, the Complainant was accepted into the College’s xxxxxxxx program. Prior to his acceptance, he requested and received permission to substitute an acting course completed at another postsecondary institution as a prerequisite course for acceptance into the xxxxxxxx program.

Facts

During the spring xxxx semester, Student A enrolled in two courses, a XXXXXXXX course and XXXXXXXXXX). He earned a grade of “B” in the XXX course and a failing grade of 70%, a “D,” in XXXXX (78% is considered passing). The Complainant was dismissed from the XXXXXXXXXXXX due to the failing grade in XXXXX.

Documentary evidence showed that 28 students were enrolled in XXXX in the spring of xxxx. Of the 28 students, six were male, including the Complainant. Five of the 28 students were the same age or older than the Complainant. The Complainant was the only Hispanic student in the course. All of the students received passing grades in XXXX, with the exception of the Complainant.

The Complainant advised OCR that he failed XXXX because his professors unfairly graded his exams due to his race, sex and age. He stated that throughout the semester, his professors often informed him that he was doing well in the course but he continued to receive failing grades on his tests. He said that he often requested assistance and feedback from his professors, but they refused to provide helpful advice to him and referred him to a 500-page study guide used for state xxxxxxxx exams. The Complainant also said that the instructors curved the tests scores for the third and fourth exams, which raised all the female and Caucasian students’ scores, but did not raise his score.

XXXX was co-taught mainly by two professors during the spring xxxx semester. During OCR interviews, the two professors denied that they refused to provide feedback or assistance to the Complainant. One XXXX professor, Professor A, advised OCR that she met with the Complainant on several occasions about his performance in the course. Professor A stated that in February xxxx, she met with the Complainant in her office and

reviewed the questions and answers of his failed exam and explained why he missed the correct answers. Professor A also stated that she met with the Complainant in April xxxx and spoke with him about test-taking strategies, managing his time and informed him that he should contact her if he needed testing-taking support. Professor A stated that during both of the meetings, the Complainant appeared receptive to her suggestions and indicated that he would implement the test-taking strategies. Professor A stated that the Complainant did not request test-taking support. In a rebuttal interview, the Complainant denied that Professor A met with him to review his exams or suggested test taking strategies.

The second XXXX professor, Professor B, stated that she interacted with the Complainant in the classroom and in clinical settings. She stated that the Complainant did not initiate discussions with her about his exam scores. She stated that she met with the Complainant once after he showed up significantly late for a clinical session. She stated that they reviewed the expectations for clinical performance and the Complainant did not mention his exam scores. In a rebuttal interview, the Complainant acknowledged that Professor B met with him about his clinical performance and he acknowledged that he did not speak with Professor B about his exam scores.

The College submitted copies of the Complainant's grade report, which outlined the Complainant's individual grades for each completed test and assignment in XXXX. The grade report detailed written feedback provided to the Complainant on assignments and clinical sessions. Professors A and B stated that none of the XXXX students' exams were graded on a curve; they were all graded using a standard rubric.

Professors A and B informed OCR that the Complainant did not complain to them about age, race or sex discrimination in relation to his exam scores. Both professors also indicated that they were not informed by anyone at the College that the Complainant alleged that they engaged in discriminatory grading. Professors A and B stated that they did not inform the Complainant that he was doing well on his XXXX exams nor did they refuse any request by the Complainant for assistance or feedback.

The Complainant told OCR that after he failed XXXX in May xxxx, he contacted the Dean of XXXXXXXX (Dean) to express his concerns about what he perceived as unfair grading due to age, race and sex discrimination.⁷ The Complainant asked the Dean whether professors from the other College campus, located in Coon Rapids, Minnesota, could grade his exams because he believed they would be impartial. The Complainant reported that the Dean indicated that the Coon Rapids professors could not grade his exams due to provisions in the collective bargaining employment contract. The Complainant did not file a formal grade appeal regarding the XXXX Course at that time.

⁷ In a subsequent interview with OCR, the Complainant indicated that the first time he raised the issue of race, sex or age discrimination with College staff was in September XXXX, during a conversation with the Vice President for Academic and Student Affairs.

The Dean is no longer employed with the College and was unavailable for an OCR interview. However, the Dean's supervisor, the Vice President for Academic and Student Affairs (Vice President), advised OCR that she worked closely with the Dean prior to her departure from the College. The Vice President stated that she was unaware of any verbal or written age, sex or race discrimination claims brought by the Complainant and was not informed of such by the Dean prior to her departure. The Vice President also indicated that the Dean's meeting notes, reviewed by OCR, do not indicate that the Complainant asserted age, race or sex discrimination. OCR confirmed that all written correspondence to the College submitted by the Complainant regarding his concerns did not reference or suggest discrimination on any bases protected by the laws enforced by OCR.

The Complainant stated during the summer of XXXX, he began the process for re-applying to the College. He said that he learned that the College was now requiring completion of a xxxxxxxxx course as a pre-requisite for admission. He said that the College had always listed a xxxxxxxxx course as a prerequisite but the College's practice allowed for students to substitute an elective for the xxxxxxxxx course requirement.

The Vice President said the College initiated the process to add a xxxxxxxxx requirement to the admission requirement in xxxx. The process for adding the requirement took approximately six months and was approved by the College's Academic Affairs and Standards Counsel Committee. The Vice President stated that the xxxxxxxxx requirement was approved in spring xxxx and was applicable to all applicants for admission beginning in the fall of xxxx. The Vice President informed OCR that the xxxxxxxxx department made changes to the xxxxxxxxx program based on a pedagogical review. The review revealed that students who were unsuccessful in the xxxxxxxxx program lacked certain academic skills. The College sought to address this shortcoming by adding courses to the requirements for entry into the xxxxxxxxx program.

According to the College's records, on July 8, xxxx, the Complainant applied for re-admission and permission to substitute an elective course for the xxxxxxxxx course requirement. On July 9, xxxx, the College denied the Complainant's application because he did not meet the xxxxxxxxx course requirement. The College reported that it received 112 applications for admission to the xxxxxxxxx program in the fall of xxxx. All of the 112 applicants satisfied the xxxxxxxxx course requirement, with the exception of the Complainant.

On July 14, xxxx, the Complainant filed an academic petition appeal (appeal) with the Dean regarding the denial of his request to substitute an elective course for the required xxxxxxxxx course. In his appeal, he stated that the Nurse Data Manager⁸ had informed him that he would be "grandfathered in" for this requirement. The appeal, reviewed by OCR, does not reference age, race or sex discrimination.

⁸ The XXXXX Data Manager passed away in spring XXXX, prior to OCR interviews.

According to documentary evidence, the Complainant met with the Acting Dean of XXXXXXXX on July 27, xxxx, regarding the appeal. During the July 27th meeting, the Complainant complained about the substitution of the xxxxxxxxxx course and unfair grading. The meeting notes make no reference to age, race or sex discrimination. The Acting Dean of XXXXXXXX denied the Complainant’s appeal regarding the xxxxxxxxxx requirement.

The Complainant submitted a second level appeal to the Vice President regarding the denial of his petition to substitute the xxxxxxxxxx requirement and denial of re-admission. According to documentary evidence, the Vice President met with the Complainant in August xxxx and explained why the Complainant was prohibited from substituting the xxxxxxxxxx course. The Vice President stated to OCR that the Complainant did not raise race, sex or age discrimination during this meeting and did not raise any concerns regarding his grades. The Vice President denied his appeal on August 13, 3015.

In September xxxx, the Complainant contacted the Vice President again to meet with her regarding his request to re-grade his exams in XXXX. According to a September 14, xxxx email, the Complainant requested the re-grading because he believed “there could be possible mistakes that could favor him.” The Vice President responded on the same day that faculty members have the sole responsibility for grading and appeals for grade reviews are handled directly by faculty. She recommended that he contact the faculty members directly regarding his grade appeal. The Complainant responded in September xxxx stating that he felt that he was getting the “run around” and that he planned to contact OCR. The Vice President informed OCR that this was the first time the Complainant mentioned discrimination and the first time he threatened to file a complaint with OCR. In a rebuttal interview, the Complainant acknowledged that his conversation with the Vice President in September xxxx was the first time he mentioned discrimination and the first time he indicated he planned to contact OCR.

On April 1, 2016, the Complainant made a formal request that Professors A and B re-grade his XXXX exams and assignments. In April 2016, Professors A and B informed OCR that they re-graded the Complainant’s exams and assignments from spring xxxx. The professors determined that the Complainant’s grades were accurate and did not change his scores.

The Complainant notified OCR that he successfully completed the requisite xxxxxxxxxx course in the fall of xxxx. The Complainant gained readmission to the xxxxxxxx program for the fall 2016 semester.

Allegation 1 - Grievance Procedures

Applicable Legal Standards

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

The Title IX implementing regulation at 34 C.F.R. § 106.8(a) states that each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX, including any investigation of any complaint alleging noncompliance with Title IX. The regulation requires each recipient to notify its students and employees of the name, office address and telephone number of the employee or employees appointed to carry out Title IX responsibilities. The Title IX implementing regulation at 34 C.F.R. § 106.8(b) states that each recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student complaints of sex discrimination.

Analysis and Conclusion

The Complainant alleges that the College discriminates on the bases of age and sex because it does not have adequate discrimination policies and procedures on the basis of age and sex. OCR's identified concerns and deficiencies in the College's policies and procedures, particularly Procedures 1B.1.1 and Procedure 1B.3.1 as written. More specifically, the College's policies and procedures do not provide specific time frames for the major stages of its Title IX investigations, identify the process for extending timeframes or include periodic updates for the parties. Moreover, the procedures do not clearly describe available interim measures or include any provision to assure that the College's Title IX investigators and decision makers do not have a conflict of interest.

Additionally, OCR's investigation found that statements in Procedure 1B.1.1 and Procedure 1B.3.1 are contradictory and misleading. Specifically, Procedure 1B.1.1 states, "This procedure is not applicable to allegations of sexual violence; allegations of sexual violence are handled pursuant to Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1." While Procedure 1B.3.1 states, "Colleges, universities, and the system office shall use System Procedure 1B.1.1 . . . when investigating complaint of sexual violence."

On February 22, 2018, the College executed a Resolution Agreement (enclosed), which when fully implemented, will resolve the deficiencies identified above. OCR has ensured that the Resolution Agreement is aligned with the complaint allegations and the deficiencies found

during OCR’s investigation. OCR looks forward to receiving the College’s first monitoring report on or before June 8, 2018.

Allegation 2 – Retaliation

Applicable Legal Standards

The Title VI implementing regulations, at 34 C.F.R. § 100.7(e), states that no recipient shall “intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by” Title VI, or because the individual has asserted a right protected by, made a complaint, or participated in an investigation, hearing, or proceeding under Title VI. The Age Act implementing regulations, at 34 CFR § 110.34, state that “[a] recipient may not engage in acts of intimidation or retaliation against any person who attempts to assert a right protected by the [Age] Act or [its implementing regulations] or cooperates in any mediation, investigation, hearing, or other part of ED's investigation, conciliation, and enforcement process.” The Title IX implementing regulations, at 34 CFR § 106.71, incorporate by reference the prohibitions against retaliatory intimidation, threats, and coercion set forth in Title VI at 34 CFR § 100.7(e).

A recipient engages in unlawful retaliation when it takes an adverse action against an individual either in response to the exercise of a protected activity or to deter or prevent protected activity in the future. To find a *prima facie* case of retaliation, each of the following three elements must be established:

1. an individual experienced an adverse action caused by the recipient; and
2. the recipient knew that the individual engaged in a protected activity or believed the individual might engage in a protected activity in the future; and
3. there is some evidence of a causal connection between the adverse action and the protected activity.

If all of the elements of a *prima facie* case of retaliation are established, then OCR considers whether the recipient has presented a facially legitimate, non-retaliatory reason for taking the adverse action. If so, then OCR considers whether the reason for the adverse action is genuine or a pretext for retaliation, or whether the recipient had multiple motives for taking the adverse action.

Analysis and Conclusion

Adverse Action

OCR’s investigation revealed that the College subjected the Complainant to an adverse action when, in July xxxx, it denied his application to the xxxxxxxx program and denied his request to substitute a xxxxxxxxxx course.

Protected Activity

Although the Complainant alleged that he engaged in an activity protected by Title VI, Title IX and the Age Act in the spring of xxxx, when he reported discrimination by his professors to the Dean of Xxxxxxxx, the Complainant acknowledged that he, at no time, filed a formal charge of race, sex or age discrimination with the College. Likewise, OCR found no documentary evidence to support the Complainant's assertion that he filed a written complaint of discrimination on any protected basis. In interviews with OCR, Professor A and B and the Vice President indicated that the Complainant did not complain about discrimination either verbally or in writing, during the spring of xxxx. The Vice President indicated, and the Complainant admitted, that the first time he raised the issue of race, sex and age discrimination was during a meeting with the Vice President in September xxxx, during which time he also stated that he intended to file a complaint of discrimination with OCR.

In making a determination regarding compliance, OCR must often weigh conflicting evidence and determine whether the preponderance of the evidence substantiates the allegation. OCR determined that the Complainant first engaged in a protected activity in September xxxx, three months after the College's adverse act. Because the adverse act preceded the protected activity, the second element of a *prima facie* case of retaliation has not been met. Accordingly, the evidence is insufficient to support the Complainant's allegation of retaliation.

The Complainant has the right, pursuant to the regulation at 34 C.F.R. § 110.39 implementing the Age Act, to file a civil action for injunctive relief in federal court following the exhaustion of administrative remedies. Administrative remedies are exhausted if: (1) 180 days have elapsed since the complainant filed the complaint with OCR, and OCR has made no finding; or (2) OCR issues any finding in favor of the recipient. A civil action can be brought only in a United States district court for the district in which the recipient is found or transacts business. A complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but these costs must be demanded in the complaint filed with the court. Before commencing the action, the complainant shall give 30-days' notice by registered mail to the Secretary of the Department of Education, the Secretary of the Department of Health and Human Services, the Attorney General of the United States, and the recipient. The notice shall state the violation of the Age Act, the relief requested, the court in which the action will be brought, and whether or not attorney's fees are demanded in the event the complainant prevails. The Complainant may not bring an action if the same alleged violation of the Age Act by the same recipient is the subject of a pending action in any court of the United States.

Page 12 –Dr. Hanson
OCR Docket # 05-15-2554
February 23, 2018

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

We wish to thank you and the College staff for their cooperation during OCR's processing of this case. In particular, we wish to thank the College's Assistant Attorney General, Mr. Kevin Finnerty.

If you have any questions regarding this letter, please contact Ann Cook-Graver, Supervisory Attorney by phone at (312) 730 – 1571 or by email at ann.cook-graver@ed.gov.

Sincerely,

Ann Cook-Graver
Supervisory Attorney

Enclosure

cc: Kevin Finnerty
Assistant Attorney General
kevin.finnerty@ag.state.mn.us