



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

<DATE>

The Reverend Dr. David M. Mellott
President
Christian Theological Seminary
Sent by email only to: dmellott@cts.edu

Re: OCR Docket #05-22-2072

Dear Reverend Dr. Mellott:

This is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its complaint resolution activities regarding the above-referenced complaint filed with OCR against Christian Theological Seminary (Seminary) alleging discrimination on the basis of disability.

Specifically, the complaint alleges that in [REDACTED], the Seminary subjected a student (Student A) to discrimination based on disability when it failed to provide her necessary academic adjustments of [REDACTED] in an [REDACTED] class and [REDACTED] in a [REDACTED] class.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the Seminary is subject to Section 504.

During its investigation, OCR reviewed information provided by the Complainant and the Seminary and interviewed Student A. Prior to OCR making a finding in the case, the Seminary agreed to the enclosed Resolution Agreement (Agreement) to resolve the allegations. The basis for OCR's determination that the Agreement is appropriate is set forth below.

Facts

Student A is a student in the Seminary's [REDACTED] program. Student A registered as a student with disabilities with the Seminary's Student Disability and Accommodations (SDA) office, which approved Student A for academic adjustments, including [REDACTED]. Student A alleged that she did not receive all her approved academic adjustments in two courses in [REDACTED].

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

[REDACTED]

Student A said her professor (Professor A) in [REDACTED] deducted points for late submission of a [REDACTED] assignment, even after she requested an extension. The notice of Student A’s academic adjustments stated, in relevant part, “[REDACTED].”

The [REDACTED] assignment was due [REDACTED]. Student A emailed Professor A on the afternoon of the due date asking for “[REDACTED].” Student A had not previously requested [REDACTED] for this or any other assignments. Professor A responded the following Monday with an explanation of the assignment; the email did not address the possibility of [REDACTED]. Professor A also stated in the email that she and the teaching assistant for the course “hope to receive your work in the coming days.” Student A submitted the assignment on [REDACTED] and received [REDACTED] possible points because it was late.

On [REDACTED], Student A wrote an email to Professor A telling her that she had [REDACTED] on the assignment and reiterating that she was [REDACTED]. Professor A responded that she had [REDACTED]. Professor A also stated that Student A had plenty of opportunities to [REDACTED], but that an email late on the due date does not give either party enough time to connect before the due date. She agreed, however, to adjust Student A’s grade on the assignment to [REDACTED] possible points.

Student A complained to the SDA Coordinator about the grade penalty on this assignment. The SDA Coordinator spoke with Professor A and responded to Student A that she needed to request [REDACTED] further in advance.

Student A did not identify to OCR any other occasions when Professor A did not provide her the approved academic adjustments. Student A’s final grade in the class was an “[REDACTED].”

[REDACTED]

The notice of Student A’s academic adjustments stated, “[REDACTED].” The notice also said, in the section about [REDACTED], “[REDACTED].” Student A stated that she did not receive [REDACTED] for several weeks in [REDACTED]. Student A also stated that she was not given [REDACTED] on quizzes, tests, and the final examination in [REDACTED], all of which were taken online [REDACTED].

The Seminary asserted that Student A received [REDACTED] for three class periods in [REDACTED] and also received recorded lectures for two of these periods and one additional period; the Seminary asserted that all students had access to pre-recorded lectures for all other class periods. No documentation provided to OCR indicated that the Seminary discussed with Student A [REDACTED], and Student A stated that the [REDACTED] faculty member [REDACTED] often paused the recording function during class times, resulting in extended periods of the class not being recorded.

Student A stated that the quizzes and tests in [REDACTED] were taken on an online system [REDACTED], and she did not receive [REDACTED] on any of them. Professor B stated in

writing to the Seminary’s Vice President for Academic Affairs and Dean of the Faculty that after Student A requested [REDACTED]. The Seminary provided documentation from the testing software indicating that [REDACTED].

Student A received a score of at least [REDACTED]. Student A received a final grade of “[REDACTED]” for the class.

Analysis and Conclusion

In accordance with Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR’s investigation, the Seminary expressed interest in resolving the complaint. OCR determined that a resolution agreement with the Seminary is appropriate under the circumstances presented by this case.

Based on the evidence collected to date, OCR has identified compliance concerns regarding the Seminary’s policies and procedures for ensuring that students with disabilities receive academic adjustments in a timely and effective manner. In particular, the information provided indicates inconsistency in providing Student A her approved academic adjustments in the [REDACTED] that were the subject of the complaint.

The enclosed Agreement, when fully implemented, will address all of the allegations investigated. The provisions of the Agreement are aligned with the allegations in the complaint and the information obtained during OCR’s investigation to date and are consistent with the applicable regulations. OCR will monitor the implementation of the Agreement.

This concludes OCR’s resolution activities regarding the complaint and should not be interpreted to address the Seminary’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The 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 Seminary 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 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. 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 privacy.

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

OCR would like to thank the Seminary for the cooperation and courtesy extended to OCR during our investigation. If you have any questions regarding this matter, please contact Charles Bryans, OCR Attorney, at 312-730-1623 or by email at Charles.Bryans@ed.gov.

Sincerely,

Jeffrey Turnbull
Team Leader

Enclosure

cc: Dr. Leah Gunning Francis (sent via email only to LGunningFrancis@cts.edu)

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