



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

April 12, 2017

Dr. Paul Illich, President
Southeast Community College
301 South 68th Street, 5th Floor
Lincoln, Nebraska 68510

Re: Docket # 07162063

Dear Dr. Illich:

On March 8, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint referred by the Department of Justice, Civil Rights Division, against the Southeast Community College, (College), Lincoln, Nebraska, alleging discrimination on the bases of disability and sex. This letter is to confirm the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the complainant alleged:

1. the College discriminated against him on the basis of disability (XXXXXX) by failing to provide him academic adjustments allowing him to be tardy or absent to class during the spring 2015 semester in violation of 34 C.F.R. § 104.44; and
2. the College discriminated against him on the basis of parental status when the College would not excuse his absences for the birth of his child in violation of 34 C.F.R. § 106.40(a).

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

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

- Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to Section 504, Title II, and Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

The Complainant alleged the College failed to provide his accommodations that allowed for leniency in attendance and tardiness, when it withdrew him from two of his classes because he did not attend the first week of class during the spring 2015 quarter. The Complainant also alleged the College discriminated against him based on sex when the College would not excuse his absences due to the birth of his child. The Complainant told OCR that he did not intend to return to the College.

Thus far during its investigation, OCR has interviewed the Complainant and the College's Vice President for Access/Equity/Diversity. OCR has reviewed data from the College, and reviewed the debt the complainant owed the College based on spring 2015 tuition.

The College submitted documentation detailing the fees the Complainant owed the College. The Complainant initially owed the College \$X,XXX.XX in tuition and fees for the spring 2015 quarter. The College waived tuition fees totaling \$XXX.XX for the two classes the Complainant was withdrawn from due to non-attendance. The Complainant's adjusted balance shows he owes the College a total of \$XXX.XX. The total is based on \$XXX.XX for the classes he was not withdrawn from during the 2015 quarter, and \$XXX.XX for textbooks he purchased from the College bookstore. The Complainant told OCR he still has these textbooks.

The College agreed to waive the Complainant's tuition debt he owed for the spring 2015 quarter and told OCR the College also would help facilitate a potential buyback of the two textbooks the Complainant still has in his possession. The College said this could be facilitated at the end of the next term.

Prior to the completion of OCR's investigation, the College submitted a signed Agreement (copy enclosed) on April 11, 2017 that, when fully implemented, will address the allegations of this complaint.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the College's implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume the investigation.

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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

Maria L. North
Supervisory Attorney

Enclosure