



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VIII  
ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

October 9, 2015

Dr. Shouan Pan, President  
1833 West Southern Avenue  
Mesa, Arizona 85202

Re: Mesa Community College  
Case Number: 08-15-2185

Dear Dr. Shouan Pan:

On April 20, 2015, the United States Department of Education's Office for Civil Rights received a complaint of discrimination filed against Mesa Community College (the College). The complaint alleges that the College discriminated against the Complainant on the basis of race and disability. Specifically, the Complainant alleges that he was subjected to racial harassment and different treatment by his Reading teacher. The Complainant also alleges that the College failed to adequately respond to his complaint of race discrimination that was reported to the Reading Department Chair. Finally, the Complainant alleges that the College discriminated against him on the basis of disability when he received an email stating that he was removed from his Reading course because of his disability.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education. The OCR also enforces Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

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

OCR conducted an initial investigation into this complaint, which included interviews with the Complainant and the College, as well as a review of documentation provided by both parties. OCR found that the Complainant was enrolled in a reading class in the spring 2015 semester. The Complainant encountered difficulties with the professor of that class, which resulted in his allegation of racial harassment and different treatment by the professor. The Complainant brought these concerns to the administration of the College, and he was ultimately transferred to a different reading class with a different professor. In the second reading class, there were further disputes regarding the Complainant's grade, primarily, whether or not his grades from the prior class should be carried over to the new class. In a meeting to resolve this grade dispute, the

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

Complainant's mother was a participant in the conversation and revealed to the College that the Complainant was an individual with a disability. Up to that point, the Complainant had not disclosed his disability to the College or sought accommodations from the College. Soon thereafter, the Complainant received an email indicating that he was being withdrawn from the second reading class.

On July 14, 2015, the College informed OCR that it wished to resolve the complaint allegations. At that time, prior to OCR completing its investigation or making any findings of fact, the College agreed to sign an Agreement which, when fully implemented, will address the issues raised in this complaint.

In accordance with Section 302 of the CPM, the provisions of the Agreement signed by the College on October 5, 2015 are aligned with the complaint allegations and the information obtained during OCR's investigation and consistent with the applicable regulations. Therefore, OCR is closing this complaint investigation effective the date of this letter. OCR, however, will actively monitor the College's implementation of the Agreement until the College fulfills the terms of the agreement and is in compliance with the statutes and regulations at issue in this case. If the College fails to implement the Agreement as specified, OCR may initiate administrative or judicial proceedings as described in the Agreement or resume its investigation of the initial allegations. A copy of the Agreement is enclosed.

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

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 protect personal information to the extent provided by law.

OCR would like to acknowledge and thank XXXX for her assistance and cooperation during the course of this investigation. If you have any questions, you may contact me at (303) 844-2557 or by email at [stephen.chen@ed.gov](mailto:stephen.chen@ed.gov).

Sincerely,

Stephen Chen  
Supervisory Attorney

Enclosure

CC: XXXX, Assistant General Counsel