



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

November 10, 2021

President Todd Haynie
Eastern Arizona College
615 N. Stadium Ave.
Thatcher, AZ 85552

Via email only to todd.haynie@eac.edu

Re: Eastern Arizona College
OCR Case Number: 08-21-2164

Dear President Haynie:

On June 16, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint alleging Eastern Arizona College (College) discriminated on the basis of disability. Specifically, the Complainant alleged the College denied her access to its xxxxxx xxxxxx when it failed to make reasonable modifications to its policies, practices, or procedures regarding student vaccinations.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations 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 these laws and regulations. Additional information about the laws OCR enforces is available on its website at <http://www.ed.gov/ocr>.

On August 23, 2021, OCR opened this complaint for investigation.

During the investigation of this complaint, OCR reviewed written and emailed correspondence between the Student and the College; emailed correspondence between the Student and several of the College's xxxxxx xxxxxx regarding vaccination waivers; the College's written response to the OCR complaint; and the College's policies regarding accommodations for students with disabilities and vaccinations for xxxxxx students. The documentation obtained during the OCR investigation shows that the Student told the College that she has an autoimmune disorder and that vaccines may risk her health. Nonetheless, the College initially indicated that the vaccinations were required for admission into the program because the College's xxxxxx xxxxxx required them, and the College provided no indication that a waiver was possible. 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.

documentation further shows that the Student contacted some of the College's xxxxxxxx xxxxxx, who told her that waivers of the vaccine requirements were possible for health reasons. In its data response to OCR, the College indicated that after xxxxx xxxxx administrators looked into the issue further, the College was prepared to offer the Student a waiver of the vaccination requirements, but the Student still could not be admitted because she had not met other requirements, such as providing drug and tuberculosis test results. OCR notes that all of the formal correspondence about the program as well as the College's written vaccination policy indicate that the vaccinations are required for admission, and there is no indication that waivers are possible. An email from the College to the Student dated June 15, 2021 addressed her concerns and stated "all of the students who want to be in the xxxxxx xxxxx are required to meet the immunization and physical requirements of the xxxxx xxxxx, which was mailed to you on April 13, 2021," and "You do not have to choose to meet these guidelines, but we cannot allow you in the program if you do not do so, because you will not be allowed in the xxxxxx setting per our xxxxxxx xxxxx requirements."

Additionally, OCR reviewed the College's Section 504 policies and procedures and vaccination policy for xxxxxx students. The College has multiple overlapping policies that cover students with disabilities. "Procedures For Alleged Civil Rights Violations Not Covered By Title IX Sexual Harassment Regulations" directs students to contact the Civil Rights Equity Officer and to fill out a grievance form on the College's Title IX webpage, even though the policy covers Section 504 and Title II complaints. There is no name or contact information for a Civil Rights Equity Officer in the policy or on the webpage, only the name and contact information for the Title IX Coordinator. The "Service and Assistance Animal Policy" directs students to a counseling office. The "Student Complaint Procedures" states that complaints must be "submitted to a College official with Authority and/or forwarded to the Dean of Students." The College's "Accommodation for Students with Disabilities" policy appears to apply only to admitted students, not applicants, and references "reasonable accommodations", which is a term used in the employment context rather than the educational context. This policy does not reference the College's Disability Resource Services or a Section 504 coordinator. The webpage for the Disability Resource Services office also references "reasonable accommodations."

On October 14, 2021, the College informed OCR that it wished to voluntarily resolve the complaint allegation and revise its policies and procedures that address students with disabilities. Prior to OCR making any findings of fact, the College agreed to sign an Agreement which, when fully implemented, will address the allegation raised in the complaint and OCR's concerns about the College's policies and procedures.

In accordance with Section 302 of OCR's *Case Processing Manual* (CPM), the provisions of the Agreement signed by the College are aligned with the complaint allegation and the information obtained during OCR's processing of this case, 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. 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 allegation. 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. If this happens, the Complainant may file another complaint alleging such treatment. 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, OCR will protect personal information to the extent provided by law.

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.

If you have any questions, please contact Danée Attebury, the Equal Opportunity Specialist assigned to this complaint, at (303) 844-0197, or by email at danee.attebury@ed.gov. You also may contact me at (303) 844-6086.

Sincerely,

Michael D. Todd
Supervisory Attorney

Enclosure: Signed Resolution Agreement
Cc: Lisa Anne Smith, Attorney