



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

May 12, 2014

Thomas M. Fallo
Superintendent/President
El Camino College
16007 Crenshaw Boulevard
Torrance, California 90506

(In reply, please refer to case no. 09-13-2091.)

Dear President Fallo:

In a letter dated March 4, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), notified El Camino College (College) of a complaint alleging discrimination based on disability. By letter dated April 11, 2013, OCR further clarified the complaint allegations. Specifically, the complainant¹ alleged that the College failed to respond to his request for reasonable accommodations for communicating with the College's Financial Aid Office; and retaliated against the complainant for making said requests by subjecting him to a disciplinary hearing without appropriate due process, enforcing a year-long suspension, and placing conditions on his readmission.

OCR conducted its investigation of the complaint under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibits discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. OCR also has jurisdiction as a designated agency under Title II of the Americans with Disabilities Act of 1990 and its implementing regulation over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The College receives Department funds, is a public education system, and is subject to the requirements of Section 504 and Title II.

OCR gathered evidence through documentation submitted by the complainant and the College. OCR concluded that there was sufficient evidence to support a conclusion of noncompliance with Section 504, Title II, and their implementing regulations with regard to the College's failure to appropriately respond to the complainant's request for reasonable accommodations for communicating with the Financial Aid Office; however, OCR found insufficient evidence to suggest that the College retaliated against the complainant. The attached Resolution Agreement, when fully implemented, will resolve the noncompliance issue found in this case.

¹ OCR notified the College of the complainant's identity during the investigation. We are withholding his name from this letter to protect his privacy.

The applicable legal standards, relevant facts gathered during the investigation, and OCR's analysis are set forth below.

Issue 1: Whether the College failed to respond to the complainant's request for reasonable accommodations for communicating with the College's Financial Aid Office.

The Section 504 regulations, at 34 C.F.R. §104.43(a), provide that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any postsecondary education program of a recipient. The Title II regulations, at 28 C.F.R. §35.130(a), contain a similar prohibition applicable to public postsecondary educational institutions.

The Section 504 regulations, at 34 C.F.R. §104.44(d)(1), require recipient colleges and universities to take steps to ensure that no disabled student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual or speaking skills. Section 104.44(d)(2) provides that auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions.

Under the Title II regulations, at 28 C.F.R. §35.130(b)(1)(ii) and (iii), public colleges and universities may not afford a qualified individual with a disability opportunities that are not equal to those afforded others, and may not provide aids, benefits or services that are not effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others. Under 28 C.F.R. §35.130(b)(7), public colleges and universities must make reasonable modifications in policies, practices or procedures when necessary to avoid discrimination on the basis of disability, unless doing so would fundamentally alter the nature of the service, program or activity. Section 35.103(a) provides that the Title II regulations shall not be construed to permit a lesser standard than is established by the Section 504 regulations. Therefore, OCR interprets the Title II regulations to require public colleges and universities to provide necessary auxiliary aids and services to the same extent as is required under the Section 504 regulations.

The Title II regulations, at 28 C.F.R. §35.160(a), require a public college or university to take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. The regulations at 28 C.F.R. §35.160(b)(1) further requires a public college or university to furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity. In determining what type of auxiliary aid and service is necessary, 28 C.F.R. §35.160(b)(2) requires that the college or university give primary consideration to the requests of the individual with disabilities.

Communication is construed broadly to mean the transfer of information. In determining whether communication is as effective as that provided to non-disabled persons, OCR looks at the timeliness of the delivery, the accuracy of the communication, and whether the manner and medium used are appropriate to the significance of the message and the abilities of the disabled individual.

Under the requirements of Section 504 and Title II, a student with a disability is obligated to notify the college or university of the nature of the disability and the need for a modification, adjustment, aid or service. Once a college or university receives such notice it has an obligation to engage the student in an interactive process concerning the student's disability and related needs. As part of this process, the college or university may request that the student provide documentation, such as medical, psychological or educational assessments, of the impairment and functional limitation.

Factual Information for Issue 1:

- The complainant first enrolled during the Spring 2010 semester and registered as a student with a disability at the College's Special Resource Center (SRC). The complainant told OCR that he has a traumatic brain injury (TBI), XXXXXXXXXXXXXXXX XXXXXXXX, and depression. The complainant states that his TBI manifests as difficulty processing spoken information. Further, the complainant states that if information is recorded or written, he is able to study the communication until he comprehends it, which helps him overcome the manifestations of his disability.
- SRC documents state that the educational limitation/impact of the complainant's disability is: focusing/concentrating for extended periods; taking tests in the traditional manner; and processing lectures, discussions, or presentations. His requested and approved accommodations are academic in nature, including: extended time and reduced distraction environment for testing; note taking assistance, carbon copy paper, and tape-recorded lectures; adaptive computer technology; and a learning facilitator.
- The College's Financial Aid Office keeps a log and summary of contact notes. These notes indicate that as early as September XX, 2011, the complainant began asking to record conversations with Financial Aid staff. He stated on that date that he was allowed by California law to record the conversation. Staff members were advised by Financial Aid administration that they were not required to allow the complainant to record their conversations, and they exercised their right not to do so. The complainant requested to record conversations with Financial Aid staff several times after September XX.
- On June XX, 2012 the complainant wrote to Financial Aid administration requesting that all communications between him and the Financial Aid Office be recorded, transcribed, or in written format. The letter specifically stated that the complainant was requesting

an accommodation under Section 504 and Title II. He stated that he was enrolled in the SRC, and that one of his disabilities required him to have verbal statements recorded so that he could interpret what has been spoken to him. The complainant sent the letter by certified mail, but told OCR that he received no response to this letter.

- On September XX, 2012, the complainant called the Financial Aid Office to inquire about his Financial Aid disbursement. The summary of contact notes indicates that the complainant became upset when he was given an estimated rather than an exact disbursement date, and stated that he would go to the Department of Education with his complaints. The complainant also stated that he was going to record the conversation, but the staff member told him that she would not give the complainant permission to be recorded.
- On September XX, 2012 the complainant went to the Financial Aid Office and spoke to the same staff member that he had spoken with by telephone on September XX. The complainant was directed to the website and the Student Aid Handbook to find out further information about his Financial Aid. During this conversation the complainant also inquired about the June 2012 letter, and was told that it was not in his file and that Financial Aid staff were unaware of it. The complainant then wrote another letter by hand and submitted it in person. This letter stated that the complainant felt that he was being treated unfairly, and he requested that all communication between him and the Financial Aid Office be in writing. The complainant received no official response to either letter.
- The Financial Aid Office's summary of contact notes indicate that office staff forwarded the September letter to the Director of Enrollment/Student Grievances (DE/SG), presumably because it alleged unfair treatment. The DE/SG told OCR that Financial Aid provided her a copy of some letter from the complainant, but she was uncertain if it was the June 2012 or September 2012 letter. The DE/SG stated that the complainant had verbally asked Financial Aid staff to record conversations on multiple occasions, but those requests had been denied repeatedly. According to the DE/SG, it was inappropriate to record conversations in the Financial Aid Office because of privacy concerns for other students. Further, she stated that Financial Aid staff notified the complainant that he could take notes, visit the Financial Aid website or refer to publications for written information. The DE/SG did not believe that she needed to reply to the complainant's letter(s) because he had been verbally told that he could not record Financial Aid conversations. The DE/SG did not recall forwarding this letter to any other staff, such as staff in the SRC, to process as an accommodation request.
- An interview with the College's SRC Director showed that the typical method for requesting accommodations is through the College's SRC Office. The complainant had been using the SRC to request accommodations every semester since 2010. The SRC Director stated that SRC did not receive a request for Financial Aid accommodations

from the complainant directly, or from him through the Financial Aid Office or the DE/SG.

- The SRC Director stated that at some point the DE/SG discussed the potentiality of recording Financial Aid conversations with her. The SRC Director told the DE/SG that recording conversations in the Financial Aid Office was generally inappropriate for privacy reasons, in that students speak with Financial Aid staff in open areas and conversations between other students and Financial Aid staff may be inadvertently recorded while the disabled student is recording a conversation. The SRC Director noted that other accommodations are available, such as interpretation, repetition and reflection of information shared, website information, written information, typing information into a computer, and having the student reply in kind. The SRC Director could not recall if the conversation about recording in Financial Aid was related to the complainant or if it was in general. The SRC Director also provided a training to Financial Aid staff in 2012 that explained how students may be accommodated in the Financial Aid Office, and expressly stated that recording conversations in the Financial Aid Office was likely inappropriate.

Analysis for Issue 1:

Based on its review of the evidence summarized above, OCR determined that the College did not comply with Section 504 and Title II requirements when it failed to respond to the complainant's written requests for accommodations in communicating with Financial Aid. Once a student informs a college or university of his disability and requests a modification, accommodation, or service the school is obligated to engage in an interactive process with the student concerning the request. Here, the College was aware that the complainant was a disabled individual and he made two written requests for accommodations in communicating with Financial Aid. However, the College never engaged in an interactive process with him to determine whether one or more of the requested accommodations were necessary to address his disabling condition or whether equally effective alternatives could be identified. Even though the complainant did not address his requests directly to the SRC as he had his academic auxiliary aids and service requests, College offices that receive accommodation requests from students with disabilities should be trained to refer such requests, and/or the student who makes such a request, to the SRC if that office is solely responsible for processing all student accommodation requests.

The fact that the complainant had been informed in the past, prior to presenting it as an accommodation request, that tape recording conversations in Financial Aid was not allowed did not relieve the College of its responsibility to review the complainant's accommodation requests with him through its established SRC process. First, the complainant did not limit his accommodation requests to tape recording. His June 2012 letter requested two alternative methods of providing information---either recording or in writing. The complainant limited his second written request, the September 2012 letter forwarded to the DE/SG by Financial Aid, to receiving information in writing. The College did not respond to either request for information

to be in writing. Further, there may be instances in which tape recording conversations with Financial Aid workers is a necessary accommodation for a particular disabled student. Privacy concerns could be alleviated by, for example, conducting the conversations in a private area of the office or a separate office. The request should have been forwarded to the SRC to follow its established process for determining whether tape recording or written information was an appropriate accommodation in this instance. Finally, one of the purposes of the interactive process is for the College and the disabled student to identify equally effective alternatives if a particular accommodation request is denied for a valid reason. Therefore, even if the College, using its established process, determined that tape recording in this context was not appropriate, it could have worked with the complainant to identify alternative means of communication to meet his documented needs, such as one of the methods noted by the SRC Director in his conversation with the DE/SG.

Accordingly, based on the preponderance of the evidence OCR found the College's actions noncompliant as to this issue.

Issue 2: Whether the College retaliated against the complainant for his repeated accommodation requests by subjecting him to a disciplinary hearing without appropriate due process, enforcing a year-long suspension, and placing conditions on his readmission.

The Section 504 regulations, at 34 C.F.R. §104.61, incorporate 34 C.F.R. §100.7(e) of the regulations implementing Title VI of the Civil Rights Act of 1964 and prohibit colleges and universities from intimidating, coercing, or retaliating against individuals because they engage in activities protected by Section 504. The Title II regulations, at 28 C.F.R. §35.134, similarly prohibit intimidation, coercion, or retaliation against individuals engaging in activities protected by Title II.

When OCR investigates an allegation of retaliation, it examines whether the alleged victim engaged in a protected activity and was subsequently subjected to adverse action by the college or university, under circumstances that suggest a connection between the protected activity and the adverse action. If a preliminary connection is found, OCR asks whether the college or university can provide a nondiscriminatory reason for the adverse action. OCR then determines whether the reason provided is merely a pretext and whether the preponderance of the evidence establishes that the adverse action was in fact retaliation.

Factual Information for Issue 2:

- The complainant told OCR that on November X, 2012, he returned to the Financial Aid Office again to check on his disbursement. The complainant stated that the employee did not know about his accommodation requests, and advised him to read the Student Aid Handbook. The complainant then spoke to a supervisor, and inquired about filing a complaint. The complainant told OCR that he asserted his rights in a respectful, non-disruptive, and non-threatening manner, and that Financial Aid staff would not give him any firm information in writing about his disbursement.

- The Financial Aid summary of contact notes for November X, 2012 indicate that a Financial Aid supervisor met with the complainant that day after a staff person informed her that the complainant was raising his voice at the front counter. The complainant was upset that the financial aid disbursement information kept changing. The Financial Aid supervisor outlined the process for the complainant and reiterated that disbursement dates were always approximate. The Financial Aid supervisor noted that he was combative, and inquired about filing a complaint. The Financial Aid supervisor provided him with a complaint form and he left.
- Later that day the complainant returned to the Financial Aid Office and again insisted on being informed of the exact date of disbursement. The Financial Aid contact notes indicate that he was very agitated, kept interrupting the staff person, and repeatedly asked for her badge number. The staff person noted that she asked him to lower his voice six times, and he replied "where does it say that I can't raise my voice?" She told him that the College Standards of Student Conduct prohibited disruption, and he replied that he was going to report the Financial Aid Office to the Department of Education for being in violation of the ADA.
- The DE/SG told OCR that she typically does not have a role in the disciplinary process. The responsibility for that process falls to the Director of Student Development (DSD). However, at the time that the complainant's confrontations with the Financial Aid Office were taking place, the DE/SG was also acting Interim Assistant Director for Financial Aid. In November 2012 the Director of Financial Aid (DFA) was talking with DE/SG and mentioned that there was another incident with the complainant on November X, 2012. In her role as Interim Assistant Director, the DE/SG knew of Financial Aid staff's previous incidents with the complainant. Financial Aid employees, student workers, and administrators had all complained informally to the DE/SG about the complainant's behavior in that office.
- Based on the DE/SG's knowledge of past incidents and the fact that the behavior was continuing in the Financial Aid Office, the DE/SG spoke to the DSD informally and was advised to file a formal report. The DE/SG filed a Violation of Standards of Student Conduct with the DSD on November XX, 2012. The DE/SG charged that the complainant exhibited disruptive behavior, defiance of authority, abuse of College personnel, and failure to comply with directions from College personnel. The DE/SG attached highlighted portions of the Financial Aid Office's summary of contact notes recording the complainant's interactions with staff members there since September 2011.
- The DSD pulled the complainant's disciplinary file and found a history of warnings and reprimands. The DSD also reviewed information documenting the complainant's interactions with the Financial Aid Office and various other campus offices including XXXXXXXX XXXXXXXXXXXX XXXXXXXX XXX XXXXXXXX XXXXXX and the SRC. The DSD told OCR that she saw a pattern of behavior in these records that disturbed her.

- According to the College, the complainant has a history of disrupting College activities in the Financial Aid, XXXX, and SRC/Student Services offices. The complainant was issued disciplinary letters previously on:
 - November XX, 2010 for disturbances in the Student Services Center and SRC. X--
-paragraph redacted---X.
 - December XX, 2010 for behavior reported by XXXX. X---paragraph redacted---X.
- The College also provided documentary notes from Financial Aid, XXXX, SRC, and Student Services, detailing multiple other incidents of inappropriate language and tone with staff and/or students in the various offices. These incidents did not lead to separate warnings or reprimands when they occurred, but were reviewed as a whole after the disciplinary referral stemming from the November X, 2012 incident.
- After reviewing this information, the DSD requested that an Assessment, Intervention and Management for Safety (AIMS) Team meeting be convened. The AIMS Team, consisting of the DSD, DE/SG, SRC Director, Police Chief, and other administrators, met to discuss the complainant's situation on November XX, 2012 and December XX, 2012. The Team agreed that it was appropriate to charge the complainant with violating the Standards of Student Conduct.
- By letter dated December XX, 2012, the College informed the complainant that he had violated four Standards of Student Conduct: Section II.a disruptive behavior on campus; II.e obstruction or disruption of campus activities; II.f failure to comply with campus personnel; and VII.a persistent or habitual serious misconduct. X---paragraph redacted--
-X.
- The complainant was given the opportunity to contest the College's actions in a disciplinary hearing, which occurred on March XX, 2013. The hearing panel upheld the College's decision. The minutes of the hearing indicate that in reaching their determination the committee considered information presented by the complainant, his demeanor during the hearing, and the written documentation in the disciplinary file. The panel discussed the fact that the complainant had not accepted responsibility for his behavior and his denial of previous documented misconduct reports. The panel unanimously determined to uphold the disciplinary action.
- The complainant was informed of the decision of the disciplinary hearing panel in writing. The letter stated that after reviewing the violations, the conduct files from 2010 and 2012, including notes from College personnel in XXXX, the Financial Aid Office, and the campus police, as well as the complainant's testimony, the panel determined that he did participate in misconduct as defined by the Standards of Conduct. The complainant's appeal was denied, and the recommended disciplinary action was upheld.

The panel's decision stated that the panel's conclusion came as a result of his admission that the incidents did occur, and his consistent refusal to accept responsibility for his behavior in any of the three separate situations. In addition, the letter noted that the complainant stated he did not have student conduct issues at the College prior to the incident in Financial Aid in 2012 and that this was a false statement. The complainant had in fact been issued a warning, a written reprimand, and participated in a personal meeting with the former DSD in 2010 regarding his behavior. In addition to the one year suspension, the panel required XXXXX XX XXXXXXXXXXXXXXXX XX XXXXX XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXX XXXX X XXXXXXXXXXX XXXXXXX XXXXXXX XXXX XXXXXXXXXXX XXXXX XX XXXXXXX XX XXX XXXXXXX.

- The complainant appealed to the Vice President of Student Advancement. The Vice President upheld the hearing panel's decision.
- The complainant asserts that the College pursued disciplinary action against him in retaliation for his requests for accommodations from the Financial Aid Office. The complainant told OCR that he does not believe that he has done anything inappropriate and does not recall ever being verbally abusive toward any College staff. The complainant also asserts that the College retaliated against him by not affording him due process during the hearing process because: he was not provided written notice of the specific misconduct that resulted in the disciplinary charge prior to the hearing; he was not provided copies of documents in his disciplinary file prior to the hearing; and no witnesses appeared at the hearing. The complainant states that he was not given information on all the charges against him and, therefore; was unable to properly prepare a defense.
- According to the DSD, when a student is suspended for conduct, they have the right to a hearing. It is incumbent upon the student to prepare their own defense, and seek out information on the charges against them. The College provides a letter, such as the December XX, 2012 letter to the complainant, which outlines the general Standards of Student Conduct rules violated; however, that information does not detail the specific incidents. In order for the student to receive information specific to their hearing, they are required to meet with the DSD. DSD contact information is provided in the suspension notification letter.
- The DSD contends that the complainant had the right to meet with her to discuss the allegations and to obtain copies of documents, but he chose not to. The DSD's assistant recalls speaking with the complainant on at least four occasions prior to the hearing. In the first conversation, the complainant requested information about the hearing and the December XX, 2012 letter. The assistant told the complainant that he would have to meet with the DSD in order to obtain details. The assistant stated that it is office practice to advise the student to schedule a meeting to see the DSD and discuss the situation once they receive a letter notifying them of disciplinary action. The assistant and the DSD indicated that the complainant refused to schedule a meeting.

- The DSD also informed OCR that the person filing the disciplinary charge is asked to appear at the disciplinary hearing, but that they have no obligation to do so. Unfortunately, she stated, in most cases the charging party does not appear and the panel must use the written account as evidence.
- OCR reviewed documents for eleven other College students who were disciplined during the 2011-12 and 2012-13 academic years. In each case students were provided with a similar notification letter stating that particular provisions of the Code of Student Conduct were broken, but no details with regard to the specific incidents. The DSD told OCR that no other student involved in the disciplinary process received documents prior to a hearing unless they came and met with her. Of the students who requested a hearing, other student documentation showed that in the vast majority of cases the College did not call any witnesses. In reviewing the hearing audio tapes for other students subjected to discipline who requested a hearing, OCR found no direct evidence of different treatment for the complainant during his hearing. Finally, in at least five cases, students were suspended and XXXXXX XXXXXX XXXXXXXXXXXX and/or XXXXX XXXXXXXXXXXX were required before a suspended student was allowed to return to the College. The DSD told OCR that the discipline imposed on the complainant was generally the type of discipline imposed for this type of behavior.

Analysis for Issue 2:

Based on its review of the evidence summarized above, OCR did not find that the College retaliated against the complainant in response to his requests for accommodation by subjecting him to a disciplinary hearing without appropriate due process, enforcing a year-long suspension, and placing conditions on his readmission. OCR did conclude that the complainant engaged in activity protected by Section 504 and Title II when he requested formal accommodations when communicating with the Financial Aid Office. The dates of protected activity were June XX, 2012, and September XX, 2012. The complainant was also subjected to adverse action when he was suspended from College for one year and required to XXXXXXXXXXXX XX XXXXX XXXXXXXXXXXX XXXXXXXXXXXX prior to returning to the College based on a disciplinary hearing process during which he did not receive detailed written notice of the misconduct charged; he did not receive access to his disciplinary file prior to the hearing; and the College presented no witnesses. There was sufficient evidence of a causal connection between the protected activity and the disciplinary process. The adverse action occurred after the protected activity and within a short enough period of time to establish a preliminary connection.

However, OCR further determined that the College provided legitimate, non-discriminatory reasons for the initiation of the disciplinary process. The College documented that the complainant had a long history of belligerent and argumentative behavior in the Financial Aid Office and in other departments on campus. The actions taken by the complainant on

November X, 2012, were just part of a pattern of disrespectful behavior leading to the disciplinary referral. The DE/SG, who initiated the discipline charge, was aware of this history and only filed the disciplinary referral after being informed of the November 6 incident by the DFA, and after consulting informally with the DSD who advised the DE/SG to file. OCR notes that the DSD had no knowledge of the complainant's accommodation requests.

In terms of the actual discipline imposed, this decision was initially made by the DSD, who again had no knowledge of the complainant's protected activity. The disciplinary decision was upheld by the hearing panel based on a number of documented incidents, the complainant's admission that the incidents did occur, his refusal to accept responsibility for his behavior, and his false statement indicating that he had no student conduct issues prior to the November X, 2012 incident. Other students disciplined for similar behavior received similar disciplinary sanctions.

With respect to the disciplinary hearing process, the College also presented legitimate nondiscriminatory reasons for its actions. The complainant did not receive detailed written notice of the misconduct charged because this is the College's established practice regarding its disciplinary notices to students. Other students subjected to discipline received the same type of general notice as the complainant did. Similarly, the College's consistent practice was to not provide copies of disciplinary documents to students prior to hearings unless the student met with the DSD. No other student reviewed received copies of their disciplinary files prior to the hearing without meeting with the DSD. Finally, the College noted that hearing panels frequently make decisions based on the written record without input of witnesses, and in the majority of the hearings for other students disciplined the College also did not call any witnesses.

OCR found no evidence that the College's articulated legitimate, non-discriminatory reasons for the initiation of discipline or the manner in which the complainant was treated during the process were in fact a pretext for retaliation. Therefore, OCR concludes that the College did not retaliate against the complainant in violation of Section 504/Title II because he requested accommodations.

In summary, OCR determined that the College did not comply with Section 504 and Title II requirements when it failed to respond to the complainant's requests for communication accommodations with the Financial Aid Office. However, OCR did not find that the College retaliated against the complainant for making such requests by taking disciplinary action against him. The College agreed to address the outstanding issue through signing a Resolution Agreement, a copy of which is attached. Based on the commitments made in the Resolution Agreement, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the College's implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. OCR is informing the Complainant of the complaint

resolution by concurrent letter. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

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 individual may file a complaint with OCR 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 would like to thank the College for its cooperation and efforts to resolve this case. If you have any questions about this letter, please contact David Howard, Equal Opportunity Specialist, at (415) 486-5523 or via email at david.howard@ed.gov.

Sincerely,

/s/

MaryBeth McLeod
Team Leader
Office for Civil Rights
San Francisco

Cc: XXXXX XXXX, College Vice President, Human Resources

Attachment