



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

May 23, 2018

Adriana Abich
Valley Regional Superintendent
Partnership to Uplift Communities Schools
1405 N. San Fernando Boulevard, Suite 303
Burbank, California 91504

(In reply, please refer to case no. 09-15-1493.)

Dear Superintendent Abich:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its resolution process for the above-referenced complaint filed against Partnership for Uplifting Communities Schools (PUC Schools). The Complainant alleged that PUC Schools discriminated against her daughter, the Student,¹ on the basis of sex and disability and retaliated against the Student while she was enrolled in the Community Charter Early College High School (School). OCR accepted for investigation the following issues:²

1. Whether PUC Schools discriminated against the Student on the basis of sex when it failed to respond promptly and equitably to the Student's allegation that a male student sexually harassed her during the 2014-15 school year.
2. Whether the School XXXXXXXXXXXX Coach retaliated against the Student because of this OCR complaint by: a) failing to ensure that she had a senior poster displayed at the Senior Night Game on February X, 2016; b) allowing her to play for only three minutes of the Senior Night Game; c) no longer speaking to her during practices and games following the Senior Night Game; d) not allowing her to play in the second quarter of a XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXX XXXXX XXXXXXXXXXXXXXXXXXXX game on March X, 2016; e) removing her from her position as captain of the XXXXXXXXXXXX team in November 2015; and f) allowing her to play only the last three minutes of a game on February XX, 2016, and only because a teammate was injured.
3. Whether the School Principal retaliated against the Student because of this OCR complaint by: a) failing to address the fact that she did not have a senior poster displayed at the Senior Night Game even after being notified about it; b) telling XXX representatives not to read her name when they were announcing players to receive medals at the XXX XXXXXXXXXXXXXXXXXXXX game; and c) delaying a decision about how she would be graded in her XXX X class so that the class showed as no credit on her report card.

¹ OCR previously provided PUC Schools with the identity of the Complainant and the Student. We are withholding their names from this letter to protect their privacy.

² Issues 2. and 3. were raised during the course of the investigation.

4. Whether PUC Schools failed to assess the Student in all areas of suspected disability following receipt of new information during the 2014-15 and/or 2015-16 school years regarding the Student's disabilities, and failed to notify the Complainant of procedural safeguards after denying her assessment request(s).
5. Whether PUC Schools denied the Student a free, appropriate, public education (FAPE) when it failed to implement her Section 504 Plan in a number of ways during the 2014-15 and 2015-16 school years.
6. Whether PUC Schools discriminated against the Student on the basis of disability during the 2014-15 and 2015-16 school years by failing to excuse absences related to the Student's disability and denying her an opportunity to make up or complete work missed.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. § 794. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance from the Department. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 as amended (Title II), 42 U.S.C. § 12131 *et. seq.*, and its implementing regulation at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. In addition, OCR enforces Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et. seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving Federal financial assistance from the Department. PUC Schools receives Department funds, is a public education system, and is subject to the requirements of Section 504, Title II, Title IX, and their implementing regulations.

As a part of its resolution process, OCR conducted interviews and reviewed documents and other information provided by the Complainant and by PUC Schools. The facts gathered by OCR, the applicable legal standards, and the reasons for OCR's conclusions are summarized below.

Background

The Student was enrolled in PUC Schools' Community Charter Early College High School (School), a public charter school, during the 2014-15 and 2015-16 school years. She graduated in June 2016.

Issue 1: Whether PUC Schools discriminated against the Student on the basis of sex when it failed to respond promptly and equitably to the Student's allegation that a male student sexually harassed her during the 2014-15 school year.

Legal Standard

The regulation implementing Title IX, at 34 C.F.R. § 106.31, provides that ". . . no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any . . . education program or activity" operated by recipients of Federal financial assistance. Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including acts of sexual violence.

When a student sexually harasses another student, the harassing conduct creates a hostile environment if it is so severe, persistent, or pervasive that it denies or limits a student's ability to participate in or benefit from the recipient's program or activities. If a recipient knows or reasonably should know about student-on-student harassment, Title IX requires the recipient to respond in a prompt and equitable manner by taking immediate action to eliminate the harassment, prevent its recurrence, and address its effects.

When responding to alleged sexual harassment, a recipient must take immediate and appropriate action to investigate or otherwise determine what occurred. The inquiry must be prompt, reliable, and impartial. Pending the outcome of a response to a report or an investigation of a complaint, Title IX requires a recipient to take steps to protect the complainant from further harassment as necessary, including taking interim measures. The recipient also should take steps to prevent any retaliation against the student who made the complaint and/or those who provided information.

Other actions may be necessary to repair the educational environment. These may include special training or other interventions, the dissemination of information, new policies, and/or other steps that are designed to clearly communicate the message that the recipient does not tolerate discrimination and will be responsive to any student reports of discrimination.

Facts

The Complainant alleged in her OCR complaint that a male student (Student 1) sexually harassed the Student during the 2014-15 school year. The Student told OCR that she told her XXXXXXXX teacher in December 2014 that Student 1 had been following her, harassing her, and making inappropriate facial gestures toward her for a couple of weeks. She said that the XXXXXXXX teacher did not take her report seriously and took no action in response. The Student told OCR that she tried to tell Student 1 directly to leave her alone but that didn't work; she then tried talking to his XXXXXXXX to see if he could make Student 1 stop but that didn't work either.

The Student told OCR that she told the School's Assistant Principal (AP) about the harassment by Student 1 for the first time in mid-January 2015 and that the AP said that she would take care of it. The Student reported to OCR that the Student 1's inappropriate behavior continued, so she met with the AP again and provided a written statement (see below).

The School reported through its data response that the AP and the former Principal³ (Principal 1) first became aware of the sexual harassment allegation on March XX, 2015, when the Student submitted a written statement to the AP. The written statement said that Student 1 had been stalking the Student for the past month, telling other students sexual things about her, making sexual facial gestures toward her, and chasing her. The statement does not report that the Student previously informed the XXXXXXXX teacher or the AP of Student 1's behaviors.

The School's data response states that the AP interviewed the Student about her submitted statement and provided guidance on maintaining a safe distance between herself and Student 1 throughout the investigation. It noted that the AP told the Student to report back immediately if anything further occurred. The School reported that the AP also contacted the Complainant by telephone on March XX,

³ Another principal (Principal) later replaced Principal 1.

2015, to notify her of the Student's statement and that the AP was investigating the issue and would be contacting Student 1's parents.

The School stated in the data response that the AP also spoke with Student 1 on March XX, 2015, and that he verbally admitted to chasing the Student in the hallway, following her at school, and making inappropriate facial gestures toward her. The School said that the AP explained that this behavior was not tolerated, and that Student 1 said that he understood and would no longer follow the Student. The School reported that the AP consulted with the Inclusion Team to review Student 1's individualized education program (IEP) plan and Recipe Card (a snapshot of his eligibility and services/accommodations). The School further reported that the AP notified Student 1's parents of the investigation and called for a parent meeting.

The School also stated in the data response that the AP interviewed another student, Student 2, during the investigation. The School informed OCR that the AP and Principal 1 did not deem it necessary to talk to additional students since Student 1 admitted to much of the alleged conduct; they believed that harassment had been established without further investigation. The School reported that its ultimate determination was that Student 1 had followed the Student, chased her during school time, and stuck his tongue out at her in an inappropriate way. The School noted that the AP met with Student 1's parents following its decision.

The School reported in the data response that on March XX, 2015, Inclusion and IEP team members held a manifestation determination, determined that Student 1's behavior was a manifestation of his disability, created a behavior support plan, and placed Student 1 on a behavior contract. The behavior contract provided that any infraction from that date forward would result in an immediate parent conference prior to Student 1 returning to class pending further consequences such as removal from class or suspension. On the same day the AP emailed all of Student 1's teachers the terms of the behavior contract, requested that they monitor his behavior, and asked that they notify the AP or Principal 1 if Student 1 invaded another student's personal space.

The School reported through the data response that on April XX, 2015, the Student submitted another written statement to the AP. The Student wrote that Student 1 had been following her, staring at her, and trying to touch her. The School reported that the Student and the AP collaborated on how the Student could minimize interacting with Student 1. The School stated that the AP told the Student that she would speak with Student 1 immediately and asked the Student to let an administrator know if Student 1's behavior continued.

The School stated in the data response that the AP called Student 1 in for an additional conference and followed up with Student 1's parents regarding the violation of his behavior contract. The School reported that he was placed on a behavior tracker to more closely monitor his behavior throughout the entire school day, requiring a teacher check-in at every class period. Through an email dated April XX, 2015, Student 1's teachers were notified of the behavior tracker and their responsibilities for tracking his behavior.

The School reported to OCR in the data response that Student 1 was closely monitored by School staff and his parents for the remainder of the school year, and that his misbehavior subsided as a result. The School stated that no further incidents regarding Student 1 were reported by the Student. The Student told OCR that Student 1's behavior finally stopped for good after her last meeting with the AP.

The Complainant confirmed to OCR that she had contact with the AP one or more times about the alleged sexual harassment but did not recall the date(s). She stated that the AP informed her about the School's response to the situation, as follows: the AP talked to Student 1 and told him to stop the behavior; the AP talked to Student 1's parents; and the AP placed Student 1 on a behavior contract.

Analysis

As noted above, once a recipient school system has notice of possible sexual harassment between students, it is responsible for determining what occurred and responding promptly, appropriately, and effectively whether or not a complaint is filed. The response must be tailored to stop the harassment, eliminate the hostile environment, and address the effects of the harassment. A series of escalating consequences may be necessary if the initial steps are ineffective.⁴

The evidence gathered by OCR thus far shows that once the Student submitted her initial written statement alleging sexual harassment by Student 1 the School responded promptly, appropriately, and effectively to determine what occurred and address the inappropriate behavior. OCR found that the School informed the Complainant that it would investigate the matter and conducted a reliable investigation including speaking with the Student, Student 1, the Complainant, Student 1's parents, and another student witness. Based upon Student 1's admission to the conduct, the School counseled him that his behavior would not be tolerated. The School also scheduled a manifestation determination and, because the behavior was found to be related to his disability, placed Student 1 on a Behavior Support Plan and Behavior Contract which was immediately distributed to his teachers to ensure consistent implementation. This action took place within days of the Student's initial written statement. The evidence also shows that the School advised the Student to report any continuing inappropriate behaviors by Student 1, and, when she did so by submitting her second written statement, it increased the level of his behavioral monitoring that same day, an escalating consequence which was effective in stopping the behaviors.

However, prior to completing its investigation of this issue OCR identified two compliance concerns with respect to the School's response to the Student's allegations of sexual harassment. First, the Student alleged that she verbally informed her XXXXXX teacher about the harassment in December 2014 and the AP in mid-January 2015 and that neither took action to address it; she alleged that an investigation was only initiated after she complained again in writing in March 2015. Under Title IX requirements, verbal notice of an allegation of sexual harassment is sufficient to trigger appropriate responsive action by the School. The School reported in its data response that it first received notice of the sexual harassment allegations through the initial written statement.

Second, the School reported to OCR in its data response that its determination following the investigation was that Student 1 followed the Student, chased her during school time, and stuck his tongue out at her in an inappropriate way. The evidence shows that the AP then notified the Complainant that she counseled Student 1 about the inappropriate behaviors, spoke with his parents, and placed him on a behavior contract. However, even though it characterized the behavior as inappropriate OCR was concerned that, based on the documentation reviewed by OCR thus far, the School made no determination under Title IX about whether sexual harassment had occurred and did not notify the Complainant or the Student of such a determination.

⁴ OCR notes that it did not analyze whether the School's written sexual harassment policies or procedures comply with Title IX requirements.

In order to complete its investigation and reach a compliance determination, OCR would need to interview the XXXXXXXX teacher and the AP (who is no longer with PUC Schools). However, PUC Schools expressed an interest in voluntarily resolving these compliance concerns pursuant to Section 302 of OCR's Case Processing Manual (CPM)⁵, and OCR determined that it was appropriate to do so. On May 23, 2018, without admitting to any violation of law, PUC Schools signed the enclosed Resolution Agreement, which is aligned with the complaint issue and the information obtained by OCR thus far during its investigation.

Retaliation

Issue 2: Whether the School XXXXXXXXXXXX Coach retaliated against the Student because of this OCR complaint by: a) failing to ensure that she had a senior poster displayed at the Senior Night Game on February X, 2016; b) allowing her to play for only three minutes of the Senior Night Game; c) no longer speaking to her during practices and games following the Senior Night Game; d) not allowing her to play in the second quarter of a XXX XXXXXXXXXXXXXX game on March X, 2016; e) removing her from her position as captain of the XXXXXXXXXXXX team in November 2015; and f) allowing her to play only the last three minutes of a game on February XX, 2016, and only because a teammate was injured.

Issue 3: Whether the School Principal retaliated against the Student because of this OCR complaint by: a) failing to address the fact that she did not have a senior poster displayed at the Senior Night Game even after being notified about it; b) telling XXX representatives not to read her name when they were announcing players to receive medals at the XXX XXXXXXXXXXXXXX game; and c) delaying a decision about how she would be graded in her XXX X class so that the class showed as no credit on her report card.

Legal Standard and CPM Provisions

The Section 504 regulations, at 34 C.F.R. § 104.61, and the Title IX regulations, at 34 C.F.R. § 106.71, incorporate 34 C.F.R. § 100.7(e) of the regulations implementing Title VI of the Civil Rights Act of 1964 and prohibit recipient school systems from intimidating, coercing, or retaliating against individuals because they engage in activities protected by Section 504 or Title IX. The Title II regulations, at 28 C.F.R. § 35.134, similarly prohibit intimidation, coercion, or retaliation by public school systems 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 school system under circumstances that suggest a connection between the protected activity and the adverse action. If a preliminary connection is found, OCR asks whether the school system 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.

Pursuant to CPM Section 108(g)(ii), OCR will dismiss an allegation when the complainant or someone else has filed the same or similar allegation against the same recipient, based on the same operative facts, through a recipient's internal grievance procedures, all allegations were investigated, and there

⁵ <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

was a comparable resolution process pursuant to legal standards that are acceptable to OCR. Pursuant to CPM Section 108(u), OCR will also dismiss an allegation when OCR determines that the allegation is moot. CPM Section 108(i) provides that OCR will dismiss an allegation when it receives credible information indicating that the allegation is currently resolved or is no longer appropriate for investigation.

Facts and Analysis

The Complainant alleged that the Coach and the Principal retaliated against the Student in a variety of ways because she filed this complaint with OCR. Letters notifying the District of the original and revised OCR complaint were sent out in October 2015.

According to the School, on March X, 2016, administrators met with the Complainant and the Student and agreed to use PUC Schools' discrimination complaint process, the Uniform Complaint Procedures (UCP), to resolve allegations related to the girls' basketball team and the Principal, including those raised with OCR. The investigation was conducted by the PUC Schools National Compliance Officer. The written decision was dated April XX, 2016.

Where the allegations filed with OCR have been investigated through a recipient's internal grievance procedures, OCR first thoroughly reviews all documentation of the recipient's investigation and resolution of the complaint to determine whether all allegations were investigated with a comparable resolution process pursuant to legal standards that are acceptable to OCR. If OCR finds that that the recipient has met these requirements, OCR will not conduct its own independent investigation and will dismiss the allegations under CPM Section 108(g)(ii).

OCR carefully reviewed the UCP decision as well as notes documenting interviews with the Complainant, the Student, the AP, the Principal, the School Athletic Director, the Coach, the Assistant Coach, five other XXXXXX XXXXXXXXXXXX XXXX players, and two XXXXXXXXXXXXX. OCR found that the UCP investigation included interviews of relevant witnesses, factual findings, application of acceptable legal standards, conclusions of law, and a written determination. In this case, OCR determined that PUC School's UCP investigation was a comparable resolution process pursuant to legal standards that are acceptable to OCR as to allegations of retaliation raised against the Coach in Issue 2a), 2b), 2c), and 2d), as well as allegations of retaliation raised against the Principal in Issue 3a) and 3b).

Filing the original and amended OCR complaints in October 2015 was a protected activity under Title IX, Section 504, and the Title II. However, the UCP investigation found that one of the alleged adverse actions, the Coach ignoring the Student during practices, did not occur. The other alleged adverse actions took place within four to five months after the School received notice that the original and amended OCR complaints were filed. These circumstances are sufficient to suggest a preliminary connection between the protected activity and the adverse actions. However, the UCP investigation showed that there were legitimate, nondiscriminatory reasons for these actions and there was no evidence of pretext. The senior posters were not requested or supervised by the Coach and, after he was made aware of the situation, he worked with the Principal and the Athletic Director to address it. The Student was informed previous to the Senior Game that at most she would be allowed to play some honorary minutes because of her injury, she was removed from Senior Game play due to limitations caused by her surgery recovery, and at least one other senior player was also substituted out. The Coach declined to play the Student in the XXX Game also because of limitations caused by her surgery recovery and because of her behavior before and during the game.

With respect to the Principal, the UCP investigation found that one of the alleged adverse actions, the Principal directing the XXX representatives not to announce the Student's name at the award ceremony, did not occur. As to the Senior Game poster issue, the OCR complaints were protected activity and the alleged adverse action occurred within four months after the School received notice of those complaints. As above, these circumstances are also sufficient to suggest a preliminary connection between the protected activity and the adverse action. However, the UCP investigation showed that there were legitimate, nondiscriminatory reasons for the adverse action and there was no evidence of pretext. The senior posters were not requested or supervised by the Principal and, after she was made aware of the situation, she worked with the Coach and the Athletic Director to address it. The failure to display a poster for the Student was a result of an unintentional mistake made by the cheerleading team not to bring posters for all of the seniors, not due to discrimination.

Even though the UCP investigation focused on whether the alleged adverse actions by the Coach and the Principal were disability discrimination, the same evidence that led PUC Schools to conclude that they were not discriminatory is also applicable to an OCR determination that the actions were not retaliatory. The UCP decision cited legitimate, nondiscriminatory reasons for the adverse actions, the notes of the witness interviews and documentary evidence reviewed by OCR provide sufficient evidence in support of the nondiscriminatory reasons, and there was no evidence of pretext. Accordingly, OCR is dismissing Issue 2a), 2b), 2c), and 2d), as well as Issue 3a) and 3b) under CPM Section 108(g)(ii) as resolved through the UCP process.

OCR also determined that Issue 2e) and Issue 2f) became moot during the investigation and is dismissing them pursuant to CPM Section 108(u). The Coach accused of retaliation is no longer at the School, the Student has graduated, and there is no remedy because the School cannot make the Student team captain again and playing time for the February 2016 game cannot be restored. Finally, OCR found that Issue 3c) was resolved during the course of the investigation under CPM Section 108(i). The Student's final transcript shows that she received an A grade in her XXX X class, and the Principal accused of retaliation is no longer at the School.

Issue 4: Whether PUC Schools failed to assess the Student in all areas of suspected disability following receipt of new information during the 2014-15 and/or 2015-16 school years regarding the Student's disabilities, and failed to notify the Complainant of procedural safeguards after denying her assessment request(s).

Issue 5: Whether PUC Schools denied the Student a FAPE when it failed to implement her Section 504 Plan in a number of ways during the 2014-15 and 2015-16 school years.

Issue 6: Whether PUC Schools discriminated against the Student on the basis of disability during the 2014-15 and 2015-16 school years by failing to excuse absences related to the Student's disability and denying her an opportunity to make up or complete work missed.

CPM Provisions

Under Section 108(g)(ii) of OCR's CPM, OCR will dismiss an allegation when the same or a similar allegation based on the same operative facts has been resolved through due process proceedings. CPM Section 108(i) states that OCR will dismiss an allegation when it obtains credible information indicating

that the allegation has been resolved or is no longer appropriate for investigation. Pursuant to CPM Section 108(u), OCR will also dismiss an allegation when OCR determines that the allegation is moot.

Facts and Determination

During the course of the investigation the Complainant filed a due process complaint with the Office of Administrative Hearings (OAH) which resulted in a Settlement Agreement being signed in June 2016. In addition, the Student graduated from high school on time with a regular diploma and earned a number of college credits through her college preparatory courses from PUC Schools. The Student also applied to, was accepted by, and enrolled in XXXXXXXXXXX XXXXX XXXXXXXXXXXX XXXXXXXXXXXX. Finally, a number of PUC Schools personnel involved in the incidents leading to the Complainant's allegations are no longer with PUC Schools and/or at the School. These developments resulted in OCR's determination that it would dismiss Issues 4, 5, and 6 without investigation for the following reasons.

OCR is dismissing Issue 4 because the same or a similar allegation was resolved through due process proceedings (CPM 108(g)(ii.)) and became moot under CPM 110(u). The OAH Complaint specifically alleged failure to assess and failure to provide procedural safeguards. The OAH Settlement Agreement provided that the Complainant/Student would immediately dismiss with prejudice this allegation filed with OCR. The Agreement also stated that the parties agreed that it was unnecessary for the School to conduct any further assessments of the Student. In addition, the Principal who denied the assessment is no longer at the School.

Issue 5 is being dismissed because this issue was resolved during the investigation pursuant to CPM 108(i.) and became moot under CPM 110(u). The OAH complaint included an allegation that the School failed to provide the Student a FAPE. She was represented by counsel during the settlement process. The OAH Settlement Agreement provided for: X--paragraph redacted--X.

Finally, OCR is also dismissing Issue 6 because it became moot pursuant to CPM 108(u) and was resolved during the investigation pursuant to CPM 108(i.). The Complainant confirmed to OCR that the attendance record did not follow the Student to college. The Student was accepted into XXXXXXXXXXXX and enrolled there. In addition, the teachers accused of failing to excuse absences and allow make up work are no longer at the School.

Resolution

As noted above, to address the identified compliance concerns as to Issue 1, PUC Schools entered into the attached Resolution Agreement. PUC Schools agreed to issue written guidance to School personnel and administrators on the School's obligation to: investigate notice of sexual harassment of students, including verbal notice; and reach a determination as to whether sexual harassment occurred and notify the parties of that determination.

Based on the commitments made in the Resolution Agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently. When fully implemented, the Resolution Agreement is intended to address the identified compliance concerns. OCR will monitor the implementation of the Resolution Agreement until PUC Schools is in compliance with the terms of the Resolution Agreement. Upon completion of the obligations under the Resolution Agreement, OCR will close the case.

This concludes OCR's investigation of the complaint and should not be interpreted to address PUC Schools' compliance with any other regulatory provision or to address any issues other than those addressed in this letter. OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently. 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 PUC Schools may not harass, coerce, intimidate, retaliate, 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.

Thank you for your courtesy and cooperation in resolving this complaint. If you have any questions regarding this letter, please contact me at (415) 486-5555.

Sincerely,

/s/

Rhonda Ngom
Acting Team Leader

Attachment