



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION IX  
CALIFORNIA

May 28, 2015

Dr. Willie J. Hagan  
President  
California State University, Dominguez Hills  
1000 E. Victoria Street  
Carson, California 90747

(In reply, please refer to case no. 09-15-2054.)

Dear Dr. Hagan:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against California State University, Dominguez Hills (University). The complaint alleged that the Complainant<sup>1</sup> had been discriminated against on the basis of disability. OCR investigated whether:

- the University subjected the Complainant to harassment on the basis of disability from a University Lecturer who allegedly asked the Complainant about his disability, and made a comment about other students with disabilities;
- the University failed to provide academic adjustments necessary to ensure that the Complainant could participate in a Spring, 2014 class in a nondiscriminatory manner; and
- the University treated the Complainant differently on the basis of disability when the Complainant was not given the same amount of time by the Lecturer as nondisabled students were given to complete an assignment.

OCR investigated the complaint under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation (Section 504). Section 504 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, as amended, and its implementing regulation (Title II) over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The University receives Department funds, is a public education system, and is subject to the requirements of Section 504, Title II, and the regulations.

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<sup>1</sup> OCR informed the University of the Complainant's identity in our prior letter, and we are withholding the Complainant's name from this letter in order to protect personal privacy.

OCR gathered evidence through interviews with the Complainant and University staff. OCR also reviewed documents submitted by the University and the Complainant. Based on the information collected, OCR found that there is insufficient evidence to support a conclusion of noncompliance with Section 504 and Title II with respect to the University's treatment of the Complainant. However, OCR found that the evidence was sufficient to support a conclusion of noncompliance with Section 504 and Title II and their implementing regulations with regard to the University's operation of its Disabled Student Services (DSS) office, which the University agreed to address through a Resolution Agreement. The facts gathered during the investigation, the applicable legal standards, and the reasons for our determinations are summarized below.

The regulations implementing Section 504, at 34 C.F.R. §104.4(a) and (b), prohibit discrimination based on disability by recipients of Federal financial assistance. The Title II regulations, at 28 C.F.R. §35.130(a) and (b), create the same prohibition against disability-based discrimination by public entities. Public colleges and universities are responsible under Section 504 and Title II for providing students with a nondiscriminatory educational environment. Harassment of a student based on disability can result in the denial or limitation of the student's ability to participate in or receive education benefits, services, or opportunities.

Colleges and universities provide program benefits, services, and opportunities to students through the responsibilities given to employees. If an employee who is acting, or reasonably appears to be acting, in the context of carrying out these responsibilities engages in disability-based harassment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the program, the college or university is responsible for the discriminatory conduct whether or not it has notice.

Under Section 504, Title II, and the regulations, if a student is harassed based on disability by an employee, the college or university is responsible for determining what occurred and responding appropriately. OCR evaluates the appropriateness of the responsive action by assessing whether it was prompt, thorough and effective. What constitutes a reasonable response to harassment will differ depending upon circumstances. However, in all cases the response must be tailored to stop the harassment, eliminate the hostile environment if one has been created, and address the problems experienced by the student who was harassed. The college or university must also take steps to prevent the harassment from recurring, including disciplining the harasser where appropriate.

With respect to postsecondary and vocational education services, a qualified disabled person is defined as a disabled person who meets the academic and technical standards requisite for admission or participation in the recipient's educational program.

Under 34 C.F.R. § 104.4(b)(4), a recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (I) that have the effect of subjecting qualified disabled persons to discrimination on the basis of disability. The Section 504 implementing regulation found at 34 C.F.R. § 104.43(a) states that no qualified disabled student shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in a postsecondary program or activity. Under 34 C.F.R. § 104.3(j), a disabled person means any person who (i) has a

physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

The Section 504 regulations, at 34 C.F.R. §104.4(b)(2), provides that aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and non-disabled persons, but must afford disabled persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

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(a), require recipient colleges and universities to make modifications to their academic requirements that are necessary to ensure that such requirements do not discriminate, or have the effect of discriminating, against qualified individuals with disabilities. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific required courses, and adaptation of the manner in which courses are conducted. However, academic requirements that recipient colleges and universities can demonstrate are essential to the program of instruction being pursued or to any directly related licensing requirement will not be regarded as discriminatory.

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 academic adjustments to the same extent as is required under the Section 504 regulations

Under the Section 504 regulations, at 34 C.F.R. §104.4(a) and (b), no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. The Title II regulations, at 28 C.F.R. §35.130(a) and (b), create the same prohibition against disability-based discrimination by public entities. Under 34 C.F.R. §104.4(b)(1) and 28 C.F.R. §35.130(b)(1) a recipient public university may not, directly or through contractual, licensing, or other arrangements, on the basis of disability, afford a qualified disabled individual an opportunity to participate in or benefit from an aid, benefit, or service that is not equal to that afforded others, or provide a qualified disabled individual with an aid, benefit, or service that is not as 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.

To determine whether an individual has been discriminated against on the basis of disability under Section 504 and Title II, OCR looks at whether there is evidence that the individual was treated differently than non-disabled individuals under similar circumstances, and whether the treatment has resulted in the denial or limitation of services, benefits, or opportunities. If there is such evidence, OCR examines whether the university provided a nondiscriminatory reason for its actions and whether there is evidence that the stated reason is a pretext for discrimination. For OCR to find a violation, the preponderance of the evidence must establish that the university's actions were based on the individual's disability.

### Background

The Complainant has a learning disability in the area of math, and described his physical limitations to the University to include diabetes, arthritis (hands), and a spinal injury causing limitations in the small motor functions of his right hand. The Complainant is a client of the California Department of Rehabilitation. The Complainant was in his last semester of his Applied Studies degree program when he took the class in which he alleged disability discrimination occurred, APS 490. This Spring 2014 semester class was an eight-week online course which began on March 3, 2014 and ended April 27, 2014. The Complainant told OCR that during the semester, he experienced a personal tragedy when two members of his family died on the same day, March 8, 2014. He has since graduated from the undergraduate program, and is currently enrolled in the University's Masters of Public Administration degree program.

OCR's investigation revealed the following:

- The Complainant stated to OCR that during a March 12, 2014 face-to-face meeting with the Lecturer, and with no one else present, the Lecturer asked him about his disability, and about how his disability and his accommodation were related. He stated that after he described his disability to the Lecturer, the Lecturer told him he had bad past experiences with disabled students who were playing at being disabled to get advantages in his classes.
- The Lecturer stated to OCR that he knew the Complainant had a disability because he received the DSS Advisor's accommodation letter for APS 490. At one point during the semester, the Lecturer emailed the Applied Studies Program Director, noting that he was aware of the Complainant's disability because he had the Complainant in a previous class, and that while he was unsure exactly what the Complainant's disability was, he wrote that it involved the Complainant's vision, his ability to type, and that the Complainant used some form of dictating device for his written papers. The Lecturer stated that he did not ask the Complainant about his disability, or discuss the Complainant's disability, at the March 12, 2014 meeting or at any other time. The Lecturer stated that he never made any comments to the Complainant about other students with disabilities, and that he recalled that the meeting with the Complainant was amicable, that the topic of disability did not come up, and that during this meeting

the Complainant related to him the details and circumstances about the two recent deaths in the Complainant's family.

- The Complainant registered with the DSS office in 2012, and he started then to receive DSS-approved accommodations as he pursued a Bachelor of Arts degree in the Applied Studies program.<sup>2</sup> For the Spring, 2014 semester, the Complainant timely submitted a DSS form to his Advisor requesting accommodations for all of his four Spring, 2014 classes; two of which were online classes, and two were held in classrooms. The Complainant stated to OCR that he wrote his request for a writer and extra time for tests on the form, as well as his request for a desk and a chair, but he did not write a request for extra time for assignments on the form. On January 27, 2014 (before APS 490 and his other online class began) the DSS approved the Complainant to receive for his online classes one academic adjustment: double time for exams and quizzes. The DSS sent the Lecturer a January 27, 2014 letter to notify the Lecturer of the Complainant's approved accommodation for APS 490. For his classes held in classrooms, the DSS approved the Complainant to receive double time for exams and quizzes, tape recording of lecture, alternative test site, and a chair and desk.
- The APS 490 class syllabus listed the class's approximately seven assignments, but there were no exams or quizzes, and the Lecturer stated to OCR that the class had no exams or quizzes. He also stated that because the class had no exams or quizzes, and the Complainant's only accommodation for his class was double time on exams and quizzes, he did not consider the Complainant's accommodation to have come up as an issue during the class, but instead believed the issues that he had with the Complainant were the quality of the Complainant's work, and the Complainant missing assignment submission deadlines.
- The Lecturer stated to OCR that he was bothered by the Complainant asking him to let the Complainant's substandard academic performance "slide," and not count it against the Complainant. The Lecturer stated that he tried to work with the Complainant, and had students who were veterans before, but that he would not let the Complainant's substandard academic performance "slide." He stated that if he had done what the Complainant wanted, the Complainant would have considered him a good guy. The Lecturer further stated that while he focused his review of, and comments on, the Complainant's coursework to provide suggestions he hoped would help the Complainant become a better writer, the Complainant did not see it that way.
- The Complainant's primary concern about the way in which the Lecturer handled assignments focused on the Analysis Paper assignment (AP assignment). The Complainant requested an extension of the original due date, March 30, 2014, and the Lecturer stated to OCR that he granted the Complainant a 24-hours' extension for the AP assignment first draft. He stated the reason he granted the extension was due to the Complainant's hardship in losing his family members, and because the Complainant contacted him before the actual due date to request an extension. He also stated that

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<sup>2</sup> The University considered the Complainant to be an individual with a disability; a fact that was not contested by the Complainant or the University. OCR did not make a separate finding about the issue.

APS 490 was a short class, with a rigorous pace, and the deaths in the Complainant's family had caused him to fall behind. The Lecturer also granted the Complainant other extensions on a few other assignments, which he said he did for the same reason, i.e., the deaths in the Complainant's family.

- For the most part, when the Lecturer sent emails to the Complainant during the 8-week APS 490 class, responding to the Complainant's requests for extensions to the due dates for assignments, he consistently referred to the Complainant's hardship from the untimely deaths in his family as the reason the extensions were being granted. When the Lecturer's emails to the Complainant were about how he graded assignments, however, the Lecturer wrote to the Complainant that the Lecturer's grading, and the points he deducted from the Complainant's assignments, were not related to his family deaths, or to his disability, but rather were the result of the Complainant's lack of sound proofreading and failure to adequately follow assignment guidelines.
- Regarding the AP assignment, the APS 490 class syllabus provided that only students who earned a score of 90 percent or lower on the first draft (again, which was originally due on March 30, 2014) were allowed to revise the assignment by incorporating the Lecturer's comments and recommendations on the first draft, and to resubmit by April 15, 2014 a final version for a better score, up to a score of 90 percent. Scoring a 90 percent or higher on the draft AP assignment meant a revision was not required or permitted. The APS 490 syllabus also provided that drafts of the AP assignment submitted after the due date would be considered final, and would be graded accordingly.
- The Complainant turned in his draft AP assignment on April 2, 2014, after the Lecturer granted the Complainant's request for an extension on March 30, 2014. The Lecturer graded the Complainant's draft AP assignment, and emailed the grade and his suggestions for revisions to the Complainant on April 26, 2014. The Complainant's draft AP assignment score was 110/200 points, which reflected a loss of 70 points for substantive, grammar, and writing errors, and a loss of 20 points for the assignment being turned in late. After the Complainant and the Lecturer exchanged emails about the grade, the Lecturer emailed the Complainant on April 26, 2014 that the Complainant could revise and submit a final AP assignment by April 28, 2014.
- The Complainant wrote emails to the Lecturer that he objected to only having two days to revise the draft AP assignment because it would not be sufficient time for him to, in his words, "...do a great job." The Complainant did not submit a final AP assignment.
- There are two groups of students against whom OCR can compare the Complainant's treatment by the Lecturer. First, there were the students in APS 490 who turned in the draft AP assignment when it was due. They all received their graded draft back from the Lecturer with comments by approximately April 6, 2014. Any of these students who earned a score of 90 percent or lower and who chose to submit a final version had an average of nine calendar days to revise and submit the final AP assignment.
- The second group of students are those who, like the Complainant, submitted their AP assignment draft late, after the March 30, 2014 original due date. The Complainant and

two other ASP 490 students submitted their draft AP assignments late. The other two students, who were not student with disabilities, scored at or above 90 percent on the first draft, and therefore did not submit a revised final AP assignment, and each lost 20 points from the assignment's final grade for having submitted the draft AP assignment late.

- The Lecturer graded all of the three draft AP assignments that were submitted late, including the Complainant's, on the same day, April 26, 2014.
- The Lecturer stated to OCR that the Complainant's final grade for the AP assignment, which was 130/200 points, was based on the draft and reflected the same loss of points (70) from the draft which was for substantive and grammar mistakes, but that he added back to the score 20 points (the late penalty) such that the final grade for the AP assignment reflected no loss of points for the draft being submitted late.
- The APS 490 class syllabus' general description of the class's policy on due dates and make-up work provided that all assignments were due on the date stated in the syllabus, and that the Lecturer would accept late work when students provided him appropriate justifications for delay. The syllabus provided no examples of what were and were not appropriate justifications for a delay. The syllabus provided that delay without proper justifications would result in 5 points reduction per day that would be reflected on the grade for the assignment. Under the syllabus, an assignment could be hypothetically submitted late enough so that the total amount of points lost for being late would result in a grade of zero points, but the syllabus does not specifically warn a student of this possibility. When asked why he did not follow the 5 points/day formula for late penalties, the Lecturer stated to OCR that he was being less harsh only deducting 10 percent, or 20 points, because had he followed the 5 points/day formula, students grades would have been lowered even more because of the number of days late the student turned in the assignments.
- The reason provided by the Lecturer to OCR for why he gave other students on average up to nine days to revise and submit a final AP assignment, whereas he returned the Complainant's draft on April 26, 2014 and thus only gave the Complainant two days to do the same, was obscure. First, he said the reason was that he had a short window (between April 26 and 28) when all his grades for the class were due. He also stated that normally he does not give a student a second chance but when the Complainant complained after getting the graded draft on April 26, 2014, he only complained to the Lecturer about the 20 points that were deducted for late submission, and did not mention resubmitting a final AP assignment. Because of this, the Lecturer told OCR that he added 20 points back to the Complainant's score, told the Complainant that he should submit a final AP assignment, and that the issue was not about a late submission penalty, but instead was about the Complainant working to improve his writing skills.
- The Complainant's DSS Advisor acknowledged to OCR that the DSS form used for students to request accommodations, the Disabled Student Services Class Schedule, includes a section for students to check a box next to "extra time," but she stated that this accommodation is only available for tests, and is not, has never been, nor would it ever be offered to students with disabilities who request extra time on class

assignments, regardless of their disability, or documentation the students with disabilities submitted to the DSS.

- She stated the only exception to this rule would be any arrangement a student and the instructor might work out between themselves, independent of the DSS office's involvement. She said if a student explains to an instructor the circumstances and reasons for requesting extra time for assignments, what happened next would be between the student and the instructor.<sup>3</sup> She commented that in her experience, some University instructors are lenient, in that they would grant a student extra time on assignments, but that other instructors are not lenient, and would not. She stated that during the year and a half she has been a DSS advisor, approximately 200 students with a wide range of disabilities have requested extra time on assignments as an accommodation, and she denied all of their requests and advised the students to ask instructors themselves to see if instructors would give them the accommodation. She also stated that the Complainant never requested extra time for assignments from DSS as an accommodation.
- OCR asked the Complainant if he ever returned to his DSS Advisor to ask for extra time on assignments after APS 490 began. The Complainant stated that after the deaths in his family, he called and left a message for his Advisor, but she never returned his call. The Advisor stated to OCR that she received no telephone call or message from the Complainant during the Spring, 2014 semester.

## **Analysis**

### *Disability Harassment*

Regarding the issue of whether the Lecturer harassed the Complainant on the basis of disability by making comments to the Complainant about other students with disabilities, OCR found that because the meeting during which the comment was allegedly made was only attended by the Complainant and the Lecturer, and the Complainant's and the Lecturer's versions of what was said during that meeting were contradictory, there was insufficient evidence, and no way for OCR to gather additional information, for OCR to conclude the Lecturer asked an alleged question about the Complainant's disability, or made a comment to the Complainant about other students with disabilities. Accordingly, OCR concluded that there was insufficient evidence to support a conclusion that the University failed to comply with Section 504 and Title II with regard to this issue.

### *Academic Adjustments and Methods of Administration*

The University had an established and published process for students to request and receive disability related accommodations and modifications through its DSS office. The

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<sup>3</sup> The DSS Student Handbook describes the University's responsibility to provide accommodations, noting that, "[DSS] is the university's official entity charged with receiving student requests for reasonable accommodations or modifications. All university sanctioned accommodations or modifications are to be authorized by the [DSS] office. All other accommodations or modification not authorized by [DSS] may not be appropriate or consistent with the [DSS] department practices or compliant with Section 504 or ADA."

Complainant was registered with the DSS office while a student at the University and received accommodations in the past in a different class from the Lecturer.

The evidence showed that while the Complainant was approved to receive double time on exams and quizzes in APS 490, there were no exams or quizzes in APS 490, and therefore there was no evidence the Complainant was denied an approved accommodation in APS 490 because there were no academic circumstances under which the accommodation would have applied. Moreover, the Complainant demonstrated to OCR that he was aware of and had a good understanding of the DSS process, yet OCR found that the evidence was insufficient to show that he returned to DSS when he encountered difficulties meeting deadlines in the APS 490 class. OCR concluded that there was insufficient evidence to support a conclusion that the University failed to comply with Section 504 and Title II with regard to this issue.

Absolute rules against any particular form of academic adjustment or accommodation are disfavored by the law. Based on the facts gathered during the investigation, OCR concluded that the University's method of administration for receiving and responding to requests from students with disabilities for extra time to complete assignments did not provide students with disabilities access to a process designed to determine whether they should be provided the types of academic adjustments and modifications to University classes required by Section 504 and Title II. The University's blanket policy to not even consider a student's request to have extra time to complete assignments had a negative effect on any students' opportunities to achieve the same educational opportunity as that afforded to non-disabled students. Instead, to satisfy regulatory requirements, this process should include a serious procedural and substantive undertaking by DSS as part of an overall interactive process to consider a student's request, the documentation submitted by the student that addresses the student's disability and need for extra time to complete assignments, and a discussion of whether turning in assignments at the same time as other students is essential to the instruction being pursued by the student, or directly related to a licensing requirement. If, as part of the process, a determination is made that providing extra time to a student to complete assignments as an accommodation would be a fundamental alteration of the program being offered, the University would still be required to consider whether other effective accommodations exist. OCR concluded that a preponderance of the evidence supports a conclusion that the University failed to comply with Section 504 and Title II with regard to this issue.

#### *Different Treatment on the Basis of Disability*

OCR's analysis of the evidence focused on whether the Lecturer treated the Complainant differently on the basis of disability. To determine whether an individual has been discriminated against on the basis of disability under Section 504 and Title II, OCR determines whether there is evidence that the individual was treated differently than others under similar circumstances, and whether the treatment has resulted in the denial or limitation of services, benefits, or opportunities. If there is such evidence, OCR examines whether the Lecturer provided a nondiscriminatory reason for his actions and whether there is evidence that the stated reason is a pretext for discrimination. For OCR to find a violation, the preponderance of the evidence must establish that the Lecturer's actions were based on the Complainant's disability.

The Complainant alleged that the Lecturer treated him adversely compared to nondisabled students when he gave the Complainant a shorter amount of time to revise and resubmit the final AP assignment after the draft was graded, than the Lecturer gave to nondisabled students. First, with regard to the group of students who submitted their draft AP assignment on time, OCR found that the Lecturer treated the Complainant differently because while they were given on average nine days to revise and submit the final AP assignment, the Complainant was only offered two days for this task. However, the evidence shows that this was based on the Complainant's late submission, rather than showing any connection to the Complainant's disability.

Regarding the other students who also submitted their draft AP assignments late, OCR found that the evidence showed that the Lecturer also graded the draft assignments of these nondisabled students on the same day as the Complainant. OCR could not conclude with absolute certainty that the Lecturer would have given the nondisabled students only two days to revise and submit a final AP assignment, because each of these other students scored above the grade range where revising and submitting a final assignment was an option. Nevertheless, with evidence that the Lecturer's grades for the class were due in the early part of the day on April 30, 2014, it is more likely than not that the Lecturer would have imposed the same deadline for all three of them. The Lecturer did take longer to grade the drafts of all of the students who submitted the draft AP assignment after the original due date, but he graded all of the draft AP assignments from all of these students, including the Complainant, on the same day. To the extent that this delay created a disadvantage for the Complainant and the other students, it created the same disadvantage (shortened amount of time to submit a revised, final assignment) for all of them equally regardless of disability.

After a careful review of the evidence, OCR determined that some aspects of the way in which the Lecturer responded by email to the Complainant about the AP assignment were confusing and sometimes inconsistent. OCR did not find, however, sufficient evidence that the Lecturer's actions were the result of disability-based discrimination against the Complainant. Accordingly, OCR concluded that there was insufficient evidence to support a conclusion that the University failed to comply with Section 504 and Title II with regard to this issue.

After the University was informed of OCR's compliance concern regarding the DSS policy not to consider students' requests for extra time for class assignments, the University entered into a Resolution Agreement. The Resolution Agreement requires the University to review and revise as needed its DSS policies, procedures, and practices to ensure that the DSS office gives adequate and thorough consideration to all student requests for academic adjustments. It will also provide training to DSS staff on its policies, procedures, and practices.

Based on the commitments made in the attached Resolution Agreement, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the University's implementation of the Resolution Agreement. This concludes OCR's investigation of the complaint and should not be interpreted to address the University'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 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 University 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 appreciates the courtesy and cooperation extended by you, your counsel, and your staff during the complaint resolution process. If you have any questions, please contact David Christensen at (415) 486-5554, or David.Christensen@ed.gov, or me at (415) 486-5555.

Sincerely,

/s/

Mary Beth McLeod  
Team Leader

Cc: Darryl Hamm (*via email only*)  
Counsel for the University

Enclosure