



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

February 1, 2023

**Via Electronic Mail**

Ms. Susan Naimi  
CEO/Program Director  
7003 Owensmouth Avenue  
Canoga Park, California 91303

By email only to: [snaimi@californiacareercollege.edu](mailto:snaimi@californiacareercollege.edu)

Re: California Career College  
OCR Case No. 09-22-2394

Dear Ms. Naimi:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against California Career College (College). The complaint alleged that the College discriminated against the Student<sup>1</sup> on the basis of sex. Specifically, OCR investigated whether:

1. The College discriminated against the Student based on pregnancy when she was forced to withdraw from the College when the College learned that she was pregnant; and
2. The College discriminated against the Student based on pregnancy when she was told that when she returned after the birth of her child, she would have to repeat the entire previous semester.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of federal financial assistance, the College is subject to Title IX and its implementing regulation.

To investigate this complaint, OCR gathered evidence by interviewing the Student and by reviewing documents provided by the College and the Student. Prior to the conclusion of the investigation, the College expressed an interest in voluntary resolution pursuant to Section 302 of OCR's Case Processing Manual, and OCR determined that it was appropriate to do so. The

---

<sup>1</sup> OCR previously notified the College of the identity of the Student. We are withholding her name from this letter to protect her privacy.

applicable legal standards, facts gathered to date, and resolution of this matter are summarized below.

### Legal Standards

The regulation implementing Title IX, at 34 C.F.R. § 106.8, requires an institution to take specific steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the education program or activity it operates, and that it is required by Title IX not to discriminate in such a manner. The notice must include that inquiries concerning Title IX may be referred to the Title IX Coordinator or to OCR. The regulation implementing Title IX, at 34 C.F.R. 106.8(b)(2), requires an institution to include the notice of nondiscrimination on its website and in each handbook or catalog that it makes available to the individuals listed above that it is required to notify.

The regulations, at 34 C.F.R. § 106.8(a), require that recipients designate at least one employee to coordinate the institution's efforts to comply with and carry out its responsibilities under the regulations, and that this employee be referred to as the "Title IX Coordinator." This provision further requires that the institution notify all applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name (or title), office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator. The institution's website and on any handbook or catalog that it makes available to the individuals listed above that it is required to notify must prominently display contact information for the Title IX Coordinator.

The regulations, 34 C.F.R. § 106.45(b)(10)(D), require that recipients that receive Federal financial assistance are responsible for providing students with a non-discriminatory educational environment. Under 34 C.F.R. §§ 106.45, all recipients must ensure that Title IX Coordinators, investigators, decision-makers, and individuals who facilitate informal resolution processes receive training on certain topics specified in the regulations. Under the regulations, all materials used to train those individuals must be publicly available on the recipient's website. If the recipient does not maintain a website, the recipient must make these materials available upon request for inspection by members of the public.

### Factual Findings To Date

The Student was enrolled in the College's XXXXXXXXXXXX XXXXX program in nursing. In an interview with OCR, the Student stated that she did not inform the College that she was pregnant, but that in February 2022, two administrators at the College noticed she was showing and told her that if she was pregnant, she would need to take a leave of absence from the College. The Student stated that she was informed by the College's Director that due to her pregnancy she would need to withdraw from the program as she would not be able to complete her clinicals. The College disputes this, and informed OCR that the Student made the decision to withdraw from the Program on her own.

On February XX, 2022, the Student completed a leave of absence form. On the form, the Student checked the box for “medical” as the primary reason for the leave, and further specified “pregnancy.”

On June XX, 2022, the Student emailed the College administrator responsible for Admissions and Administration (Administrator 1) and asked the name of the Title IX Coordinator. The administrator responded the same day and provided her the name of the Title IX Coordinator. In documents provided to OCR, the individual identified by the College as the Title IX Coordinator was a College administrator (Administrator 2) whose titles were listed as both “Student Services/Financial Aid”, and the “Title IV Financial Aid Coordinator.”

The Student responded on June XX, 2022, and wrote that if she was required to return within 6 months of her leave request, that would require her return in August. She stated that she did not think that she would be ready to return by then. She inquired if it would be possible to withdraw from the program, so that she could return when she was ready. She indicated that she had been told previously that she would be able to do this. She also inquired what she would need to do to file a “report” with the administrator identified as the Title IX Coordinator. Administrator 1 wrote back the same day and stated that she believed that this would be a good idea but cautioned that she had received information that the Student would need to start paying her loans back if she did not return within 6 months. The Student responded that she would be ok with that, but that she would like to think about her decision a bit more.

On July XX, 2022, the Student submitted the withdrawal form. On August X, 2022, Administrator 2 wrote to the Student informing her of the refund transmittals for her student loans. Administrator 2 noted that she did not believe that the Student would need to repay for her 5th semester, as she had already paid, but that she would need to complete the work. She asked when the Student would be returning to the program. The Student responded the same day, and wrote that she was not yet sure of her return, but had been told that she could return once she was ready. The administrator responded the same day that she could return for the 5th semester whenever she was ready.

The Student informed OCR that she wanted to return to her program but was told that while she would not be charged for the entire semester again, she would need to complete the semester over again. This was confirmed by the College in a written statement to OCR. The College provided documents to OCR indicating that the College’s statement of non-discrimination is located in the Student Handbook. However, OCR was unable to locate a notice of non-discrimination on the College’s website or a statement indicating complaints could be filed with the Title IX Coordinator. Additionally, OCR reviewed the College’s website and was unable to locate the Title IX Coordinator’s name, contact information, or the material used to train the Title IX Coordinator and other decision-makers.

#### Analysis/Resolution

As noted above, recipients are required to post a notice of non-discrimination on their websites indicating that they do not discriminate on the basis of sex in their educational program. The notice must include a provision that inquiries concerning Title IX may be referred to the Title IX Coordinator or OCR. Recipients are required to post on their websites the name and contact

information for the Title IX Coordinator. Additionally, recipients are required to post copies of all materials used to train Title IX Coordinators, investigators, decision-makers and individuals who facilitate informal resolution processes on their website. OCR is concerned that the College does not have these materials posted on its website. Additionally, Title IX requires a college to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences to be medically necessary. When the student returns to the college, she must be reinstated to the status she held when the leave began, which should include giving her the opportunity to make up any work missed. OCR identified a concern that the Student was informed that she would not be able to return to the program at the point in time as when she took her leave of absence. However, prior to the conclusion of OCR's investigation, the College expressed interest in voluntarily addressing the issues raised in the complaint under Section 302 of OCR's Case Processing Manual, and OCR determined that it was appropriate to do so.

### Conclusion

To address the issues alleged in the complaint, the College, without admitting to any violation of law, entered into the enclosed Resolution Agreement (Agreement) which is aligned with the complaint allegation and the information obtained by OCR during its investigation. Based on the commitments made in the enclosed Agreement, OCR is closing the investigation of this complaint as of the date of this letter and notifying the Student concurrently. When fully implemented, the Agreement is intended to address the complaint allegation. OCR will monitor the implementation of the Agreement until the College is in compliance with the terms of the Agreement. Upon completion of the obligations under the Agreement, OCR will close the case.

OCR's determination in this matter 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. The complaining party 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, 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 another complaint 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, it will seek to protect, to the extent provided by the law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

If you have any questions regarding this letter, please contact Dana Isaac Quinn at (415) 486-5596 or at [Dana.IsaacQuinn@ed.gov](mailto:Dana.IsaacQuinn@ed.gov).

Sincerely,

/s/

Sara Berman  
Team Leader

cc: Haleh Naimi, CFO/General Counsel