



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

June 21, 2018

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Mr. Christopher Bailey
President
Lower Columbia College
P.O. Box 3010
Longview, Washington 98632

Re: Lower Columbia College
OCR Reference No. 10172133

Dear Mr. Bailey:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has resolved the referenced complaint against Lower Columbia College (the college). OCR investigated whether the college, through the actions of a campus security guard, violated Title VI of the Civil Rights Act of 1964 (Title VI) by informing a student that the college campus was closed and requiring that he leave the campus on March 30, 2017, while not requiring that similarly situated Caucasian individuals on campus also leave. As explained below, prior to completion of OCR's investigation, the college expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement).

OCR accepted this complaint for resolution under the authority of Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulation at 34 C.F.R. Part 100. This federal civil rights law prohibits discrimination based on race, color, and national origin in educational programs and activities receiving federal financial assistance. The college receives federal financial assistance from this Department and is therefore required to comply with Title VI.

The Department's regulation implementing Title VI, at 34 C.F.R. § 100.3(a), states that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies. The Title IV regulation at 34 C.F.R. § 100.3(b) states that a recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin provide any service, financial aid, or other benefit to any individual which is different, or is provided in a different manner, from that provided to others under the program.

To date, OCR's investigation has included reviewing information provided by the complainant during an interview with OCR and documents and information provided by the college.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point a final determination is issued, the recipient expresses an interest in resolving the complaint allegation and OCR determines that it is appropriate to resolve the issues under investigation with an agreement. In this case, the college requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the college's willingness to address the complaint allegation comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate.

Subsequent discussions with the college resulted in the college signing the enclosed agreement, which when fully implemented will address the allegation raised in this complaint. OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by July 30, 2018.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the college may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

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 the cooperation that you and your staff extended to OCR in resolving this complaint. If you have any questions, please contact Steve Riley, the OCR staff member assigned to this complaint. You can reach Mr. Riley at (206) 607-1635 or at steven.m.riley@ed.gov.

Sincerely,

Kelli Lydon Medak
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement