



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

October 23, 2018

Dr. Angeline D. Godwin
President
Patrick Henry Community College
645 Patriot Avenue
Martinsville, VA 24112

RE: OCR Complaint No. 11-18-2238
Resolution Letter

Dear Dr. Godwin:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on May 21, 2018 against Patrick Henry Community College (the College). This letter is to confirm that the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

The Complainant alleged that the College discriminated against her on the basis of race and sex in its Commercial Driving School program (the CDS Program) and subjected her to retaliation. Specifically, the complaint alleged that XXXXX.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, assists, or participates in a proceeding under these laws. Because the College receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Title VI and Title IX.

On June 20, 2018, OCR sent notification letters to the parties, including a data request to the College. On July 31, 2018, the College provided OCR with a response to OCR's data request. OCR also obtained information from the complainant. During the course of the investigation, OCR learned that on July 2, 2018, the College emailed the CDS Program informing them that the Memorandum of Understanding between them had expired and the College "would not be renewing the contract nor further utilizing the instructional services of CDS...."

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

Prior to the completion of OCR’s investigation, the College expressed an interest in engaging in a voluntary resolution agreement pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM), which states: “[a]llegations and issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation.”¹

On October 10, 2018, the College signed an Agreement (copy enclosed) that, when fully implemented, will resolve the allegations and issues in this investigation. The provisions of the Agreement are aligned with the allegations and issues raised by the Complainant and the information obtained during OCR’s investigation, and are consistent with applicable law and regulation. The agreement requires the College to offer the Complainant the opportunity to enroll in the College’s Commercial Driver’s License course (CDL Program) without any cost to her; to train all staff and administrators in the College’s Workforce Training Programs on its obligations under Title VI and Title IX to respond promptly and effectively to complaints of race and sex-based discrimination/harassment; and to provide a copy of its Title IX policies and procedures to any new CDL Program to which it contracts, and consider training the new CDL Program instructors on sex and race-based harassment and retaliation. Please review the enclosed Agreement for further details.

OCR considers this complaint resolved effective the date of this letter and will monitor the College’s implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume the investigation.

This letter should not be interpreted to address the Division’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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. 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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

¹ OCR’s *Case Processing Manual* may be accessed at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

We appreciate the College's cooperation in the resolution of this complaint. If you have any questions, please contact Jennifer Barmon, the OCR attorney assigned to this complaint, at 202-453-6751 or Jennifer.barmon@ed.gov.

Sincerely,

David Hensel
Supervisory Attorney, Team III
College of Columbia Office
Office for Civil Rights

Enclosure

cc: John I. (Jack) Hanbury