



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

May 19, 2013

Dr. Gary Branch
President
Faulkner State Community College
1900 U.S. Highway 31 S
Bay Minette, Alabama 36507

RE: Complaint #04-14-2054

Dear Dr. Branch:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed on May 16, 2013, against Faulkner State Community College (College) alleging discrimination on the basis of race (XXXXXX). Specifically, the Complainant alleged that XXXXXXXX XXXXX (Student) was subjected to a hostile racial environment when the College's XXXXXXXX XXXX XXXXX and XXXXXXXX made derogatory racial comments to her during the 2012 - 2013 XXXXXXXX XXXXXXXX.

OCR investigated the complaint pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, national origin, or color by recipients of Federal financial assistance.

OCR investigated the legal issue of whether the College failed to take action after it received notice that the Complainant had been subjected to racial harassment, which allowed a hostile racial environment to exist at the College, in noncompliance with Title VI, at 34 C.F.R. § 100.3.

When OCR contacted the College to schedule staff interviews, the College requested to voluntarily resolve the complaint. Pursuant to Section 302 of the OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation the recipient or public entity expresses an interest in resolving the complaint. The attached Resolution Agreement will require the College to take actions to remedy any compliance concerns regarding the Student's participation opportunities.

On May 15, 2014, OCR received the enclosed signed Resolution Agreement (Agreement) that, when fully implemented, will resolve the complaint. OCR will monitor the College's implementation of this Agreement to ensure that it is fully implemented. If the College fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Title VI.

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

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Please be advised that the College may not harass, coerce, 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. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

This concludes OCR's investigation of the complaint and 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.

OCR is committed to prompt and effective service. If you have any questions about this complaint, please contact the assigned OCR investigator, Mr. Darryl Dennis, Senior Investigator, at (404) 974-9358, or by e-mail at darryl.dennis@ed.gov, or me at (404) 974-9354.

Sincerely,

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure