



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

January 21, 2015

Dr. Marilyn C. Beck, President  
Calhoun Community College  
P. O. Box 2216  
Decatur, AL 35609

Re: Complaint #04-14-2502

Dear Dr. Beck:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed by the Complainant on September 12, 2014, alleging that Calhoun Community College (College) retaliated against him for filing a 2012 OCR complaint. Specifically, the Complainant alleged that the College retaliated against him by preventing him from enrolling in programs at other colleges and refusing to forward mail to his correct address after he filed a complaint with OCR in 2012.

As a recipient of Federal financial assistance from the Department, the College is subject to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. As a public entity, the College is subject to the provisions of Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Accordingly, OCR has jurisdiction over this complaint.

OCR began an investigation of the following legal issue:

Whether the College retaliated against the Complainant in July 2014 by preventing the Complainant from enrolling in programs at other colleges and refusing to forward mail to the Complainant's documented address after the Complainant filed a complaint with OCR in 2012, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.61, and the Title II implementing regulation at 28 C.F.R. § 35.134.

During OCR's investigation of this complaint, the College offered to resolve the Complainant's allegations. Pursuant to OCR's procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Based on the foregoing, OCR accepted the College's request to resolve this complaint and the College entered

into the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues in this 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 Section 504 and Title II.

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.

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 duly authorized OCR officials and made available to the public.

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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive 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.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have any questions regarding this matter, please contact Cerrone G. Coker at (404) 974-9318 or Andrea de Vries, Compliance Team Leader, at (404) 974-9314.

Sincerely,

Deborah Floyd  
Acting Regional Director