



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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December 10, 2015

Pima Community College
Attn: Lee D. Lambert - Chancellor
4905C E. Broadway Blvd.
Tucson, AZ 85709

Re: Pima Community College
Case Number: 08-14-2291

Dear Chancellor Lambert:

We are notifying you of our decision in this case. The Complainant alleged that the Pima Community College (College) discriminated on the basis of disability. Specifically, the Complainant alleged the College failed to provide her with approved auxiliary aids and academic adjustments for her classes at the College by failing to provide her with a quiet room, a note-taker, and extra testing time.

We investigated this complaint pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department, the College is subject to these laws and regulations.

In reaching a compliance determination regarding these issues, we reviewed documentation submitted by the Complainant and the College. We also interviewed the Complainant and relevant College staff members.

Background

In June 2011, the Complainant enrolled in the College's XXXXXXXX Program (Program).

The Program is a fast-paced program with 9 modules where students receive class instruction and practical experience. Students take each of the 9 modules in sequence. When the Complainant was enrolled in the first module, the XXXXXXXX module, the College provided her with accommodations in the form of double-time for testing and the use of an audio recorder. She successfully passed the XXXXXXXX module. The Complainant then took the next module, XXXXXXXX, and withdrew from the class when it was clear she was failing the class.

In 2012, the Complainant re-enrolled in the Program, but was required to obtain a XXXXXXXXXXXX Certificate from the XXXXXXXXXXXXXXXXXXXXXXXXXXXX (XXXXXXXXXXXX) before continuing in the Program. Ultimately, the Complainant passed the skills portion of the exam and obtained her certificate in 2013.

The Complainant registered for XXXXXXXX at the College in the spring of 2014. The XXXXXXXX class was held 6 hours each day Tuesday through Friday from March 25, 2014 to May 7, 2014. Almost every morning, there was a quiz. Additionally, the professor (Professor) required all students to turn in their assignments due that day by 8:30 a.m., and any student who turned in their work even one minute late received a zero. Additionally, since some students retake the class, the Professor required such students to turn in their workbooks from the previous class and to redo the assignments as they became due. He did not allow students to turn in assignments from a previous class.

Beginning on the first day of class and continuing throughout the Complainant's attendance in the XXXXXXXX class, the College approved a variety and ever increasing number of auxiliary aids and academic adjustments for the Complainant. Details of these "accommodations" are provided below.

Approximately 2 weeks prior to the end of the course, around the last week of April 2014, the Complainant stopped attending her classes¹.

During the few weeks of the course, the Complainant made numerous complaints, verbally and in writing. She complained about a variety of things from the Professor's policies, conduct by the Professor and other staff and students, and regarding her accommodations.

Legal Standard

Section 504 provides, at 34 C.F.R. §104.43, that no qualified individual with a disability shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any postsecondary education aid, benefits, or services. The Title II regulations, at 28 C.F.R. §35.130(a), contain a similar prohibition applicable to public postsecondary educational institutions.

The Section 504 regulations, at 34 C.F.R. §104.44(d)(1), require recipient colleges and universities to take steps to ensure that no disabled student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids. Under the Title II regulations, at 28 C.F.R. §35.130(b)(1)(ii) and (iii), public colleges and universities may not afford a qualified individual with a disability opportunities that are not equal to those afforded others, and may not provide aids, benefits or services that are not effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others. Under 28 C.F.R. §35.130(b)(7), public colleges and universities must make reasonable modifications in policies, practices or procedures when necessary to avoid discrimination on the basis of disability, unless doing so would fundamentally alter the nature of the service, program or activity. Recipients may establish reasonable procedures for requesting and providing approved accommodations

Under the requirements of Section 504, a student with a disability is obligated to notify his or her postsecondary institution of the nature of the student's disability and the need for a modification, adjustment, aid, or service. Once an institution receives such notice, it has an obligation to engage the student in an interactive process concerning the student's disability and related needs. As part of this process, the institution may request that the student provide documentation, such as medical,

¹ Although it is not a matter raised with OCR, throughout her attendance, the Complainant engaged in conduct which resulted in numerous conduct-related complaints made against her, which subsequently resulted in her suspension from the College beginning on August 1, 2014 to February 1, 2016 (18 months). Additionally, because of the Complainant's conduct, the College's XXXXXXXX Program Administrator filed a formal complaint with the XXXXXXXX expressing his concerns. Consequently, after a hearing, the XXXXXXXX in July 2015 decided to revoke the Complainant's XXXXXXXX Certificate.

psychological, or educational assessments of the student's impairment and functional limitation, and may set reasonable standards as to what type of documentation is required to establish that a student has a disability protected by Section 504.²

34 C.F.R. §104.44(d)(1) provides that colleges and universities shall provide auxiliary aids for students with impaired sensory, manual, or speaking skills. 34 C.F.R. §104.44(d)(2) provides examples of auxiliary aids. It states, "Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature."

Analysis

The Complainant alleged the College failed to provide her with a variety of approved auxiliary aids and academic adjustments for her classes at the College. She alleged that the College failed to provide her with a note-taker, a quiet room for her quizzes, and double-time for her quizzes. She stated that she was to receive a note-taker, a tutor, a quiet room and double-time for testing. She explained that she had worked with an Access and Disability Resources (ADR) Program Specialist (Specialist1) prior to the start of the XXXXXXXX class and that around January 2014 Specialist1 informed her that her accommodations were in place.

The College denied the Complainant's claim and stated that the College provided her with effective auxiliary aids and academic adjustments. It stated that it provided her, among other things, additional testing time, a quiet room to take her tests, an audio recorder to record the lecture portion of the class, the use of a laptop for note-taking, and the ability to take pictures of notes that the Professor made.

The College explained that following the Complainant's first class on March 25, 2014, the Complainant and a Program Specialist (Specialist2) reviewed the Complainant's accommodations for the class. During this meeting, the Complainant indicated to Specialist2 that she had already spoken with Specialist1 and that Specialist1 had already arranged for all of her accommodations. However, by this time, Specialist1 no longer worked for the College and Specialist2 stated that there were no records indicating that Specialist1 had discussed or arranged for any accommodations for the Complainant.

The College explained that during this meeting, the Complainant requested extra time (double time) for testing at the Testing Center and an audio recorder to record the lecture portion of the class. The College stated that the Complainant did not request any other accommodations. Based upon the Complainant's past accommodations, Specialist2 approved the Complainant's request that day³. The College provided a copy of a March 25th email from Specialist2 to the Complainant, the Professor, and others describing the approved accommodations of extra time for testing at the Testing Center and an audio recorder to record class lectures.

The Complainant believes that the College had approved additional accommodations for her, including a note-taker and a quiet room. It appears she believes Specialist1 had arranged these accommodations around January 2014. In support of the Complainant's position that Specialist1 had earlier arranged for

² See *Auxiliary Aids and Services for Postsecondary Students with Disabilities*, available on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>.

³ Specialist2 explained that this meeting occurred over the telephone. She stated that she informed the Complainant that she would approve the accommodations over the telephone, but that the Complainant needed to follow up with an in-person meeting. She added that the Complainant did not follow through with an in-person meeting.

her accommodations, the Complainant provided OCR with a copy of an email chain between the Complainant and Specialist1 showing communications during December 2013 and January 2014. OCR reviewed the emails and notes that the only specific accommodation discussed in the emails was regarding a tutor. Additionally, OCR notes that, although the Complainant inquired if her accommodations were in place, Specialist1 never confirmed that her accommodations were in place nor indicated in any way what accommodations other than a tutor were discussed.

Consequently, there is no evidence that, as of March 25, 2014, the College approved anything more than double-time for testing and an audio recorder

Quiet Room

The College acknowledged that it subsequently added a quiet room for the Complainant to take her quizzes or exams.

It explained that the next day (March 26th), the Complainant took her first quiz at the Testing Center. During the quiz, the Complainant left her room and complained to another Program Specialist (Specialist3) of noise. Specialist3 then allowed the Complainant to use one of the ADR offices to complete her quiz in a quieter environment. The Complainant again complained about noise and Specialist3 moved the Complainant to the ADR conference room where she completed her quiz.⁴

Based upon this information, Specialist3 determined the Complainant needed an additional accommodation in the form of a quiet room. Since the only quiet room in the Testing Center was reserved for another disabled student for the remainder of the 6 week-class, Specialist3 arranged for the Complainant to take her quizzes in a quiet room in the Learning Center⁵. When the Complainant completed her quiz, an ADR Support Technician (Technician) informed the Complainant of the new arrangements for the next time she was to take a quiz. The College provided a copy of an internal email dated March 26th and a March 27th email from Specialist2 to the Complainant articulating this additional accommodation.

The Complainant stated that despite being approved for a quiet room for taking her tests, the College failed to provide her with a quiet room. She explained that at first she was assigned a glass room in a “computer/study area.” She stated that the two females from ADR who were proctors for her quiz sat outside of the testing room and were noisy. She claimed that she had asked them to be quiet but that they refused. As a consequence, she complained about the noisy females. She also stated that she asked for a different room and was then assigned to a conference room which was better despite her ability to hear some people talking.

The College explained that on Thursday March 27th, the Complainant took her quiz at the Learning Center with the Technician and an ADR Student Aide (Aide) as proctors. Sometime during the quiz, the Complainant complained to the Technician and the Aide that they were noisy and that she asked them to move from a table located outside the quiet room⁶. Although the Technician refused to move as she was responsible as a proctor, the College stated that the Technician asserted to the Complainant that they would be quiet during the quiz. Sometime during the quiz, the Complainant left the room. When the

⁴ The Complainant acknowledged this to be accurate.

⁵ The Learning Center has several small rooms that are used as quiet rooms for students to take tests when the one in the Testing Center is reserved for another student.

⁶ During her interview, the Complainant alleged that the College failed to provide her a quiet room, an approved accommodation, because the proctors were chatting outside of the quiet room. Although the Complainant was unable to specify the date during her interview, it appears this is the date that the Complainant was referring to. In its response, the College did not admit that the proctors were chatting or noisy during the quiz.

Complainant returned, she demanded more time for the quiz, but the Technician refused the Complainant's request as the Complainant was approved only for twice the normal amount of time.

The Complainant denied the College's statement that the Technician and Aide asserted that they would be quiet. Rather, the Complainant stated that the Technician and Aide were rude to her and refused to be quiet. She explained that she left the room to complain and that she would not have left if they had been quiet.

The College stated that the next day, Friday March 28th, the Complainant again took her quiz at the Learning Center with the Technician and Aide. The College stated that sometime during the quiz, the Complainant told the Technician that she did not want her as a proctor. Thus, the Technician left the Aide alone with the Complainant. The Complainant also informed Specialist2 that she did not want the Technician to proctor any further quizzes. Specialist2 confirmed that the Complainant complained to her about the Technician and also stated that she did not want the Technician to proctor her quizzes. Thus, Specialist2 replaced the Technician and either Specialist2 or Specialist3 took over the responsibilities. The Complainant acknowledged that following her complaint about the Technician, the College stopped assigning her (the Technician) as the proctor for the Complainant's quizzes.

The College added that on Tuesday April 8th, the Complainant informed Specialist2 that she would no longer be taking the quizzes in the quiet room and would take them at the Testing Center (instead of the Learning Center). Following this statement, the Complainant no longer used the quiet room. The Complainant acknowledged to OCR that she stopped taking her quizzes at the Learning Center, but argued that the reason she stopped was because the room at the Learning Center was too loud⁷.

The College acknowledged that the Complainant made numerous complaints regarding her accommodations, including regarding the quiet room. The College provided documentation of her written complaints, email communications made by the Complainant, and emails sent by College staff which show their discussions of her complaints. The College included a copy of written complaints she filed on April 8, 2014 and April 17, 2014.

The College stated that following the Complainant's April 17th complainant, the Director of ADR investigated the Complainant's concerns. Over several days, he interviewed 7 College staff who were in any way involved in the approval or implementation of accommodations for the Complainant. He acknowledged that the Complainant stated that there are no quiet rooms in the College. However, in his findings, although he did not find that the College failed to provide the Complainant with a quiet room, he proposed the following resolution:

"I will meet with the DSR staff at Desert Vista and direct them to continue to actively engage you in discussions related to ensuring the full implementation of your approved accommodations. As part of this I will emphasize the need for staff to be especially conscientious about creating a quiet environment for you when you are testing in a quiet room."

OCR reviewed the written complaints and notes that the April 8th complaint was primarily regarding the Professor's refusal to accept homework that was turned in late, the Professor's refusal to accept work done in a previous class, that information she was provided about the location of the class was wrong which resulted in her arriving to class late on the first day of class, and other Professor or class related

⁷ Specialist2 confirmed that the Complainant informed her that she would stop taking her quizzes in the Learning Center. However, she stated that the Complainant did not provide an explanation for her decision to not take her quizzes in the quiet room.

concerns. In the very end, the Complainant stated, “I also need more time for test taking and a quiet room where there isn’t any one talking nearby.”

In her April 17th written complaint, the Complainant raised more issues regarding her accommodations. In this complaint, she primarily focused on the incident with the Technician when the Technician was allegedly noisy. She additionally stated, “They were putting me in different areas to test that were not quiet.”

OCR notes it appears that the Complainant’s statement, “They were putting me in different areas to test that were not quiet,” was regarding the first day of testing on March 26th. On this date, the Complainant took her quiz in 3 different rooms. Following this date, the evidence shows that the College placed the Complainant in only one room in the Learning Center until the Complainant’s decision to take her quizzes in the Testing Center. The Complainant acknowledged that this statement was regarding the first day of testing. Based upon the evidence provided, there is no evidence that the Complainant was approved for a quiet room as an accommodation during the first day of testing on March 26th. Thus, OCR found that the College did not fail to provide the Complainant with a quiet room for her quiz on March 26th.

Following the approval of a quiet room as an accommodation, the Complainant was provided a room at the Learning Center. Although it is possible that the Technician and the Aide on March 26th were not quiet at first, it appears this concern was quickly resolved. The allegedly noisy proctor (Technician) was removed as her proctor the following day. Additionally, the College investigated the Complainant’s complaints and, without finding that the College failed to provide her with a quiet room, proposed to remind the ADR staff of the need to ensure a quiet environment for the Complainant for testing.

Although the Complainant provided written internal complaints after the first week of classes, her complaints did not raise additional instances where she was not provided with a quiet room. Her complaints largely revolved around the first day of testing (for which the evidence shows she was not yet approved for a quiet room) and regarding the Technician. There is no evidence that the Complainant complained of the noise levels of the quiet rooms following the first week of classes.

Additionally, the College provided OCR with copies of email communications from the Complainant and internal email communications regarding the Complainant’s concerns that were generated during the Complainant’s enrollment in the XXXXXXXXX class in the spring of 2014. OCR reviewed the email communications and notes that the emails show the Complainant’s concerns were not regarding the College’s failure to provide her with a quiet room. Rather, she complained about issues regarding the Professor as described above, inappropriate comments the Professor allegedly made, and her need for additional accommodations⁸. The Complainant did not provide OCR with any evidence showing that she complained of other instances for which the College failed to provide her with a quiet room.

During her rebuttal, the Complainant stated that there are no quiet rooms on campus for testing and that it was noisy every time she took a quiz. She explained that, although the “quiet room” at the Testing Center, which was reserved for a disabled male student in her class, is not completely quiet, it is the quietest at the College. She stated that she should have been given priority for the quiet room at the Testing Center because of her communications with Specialist1 prior to the start of classes and that she had been a student at the College longer than the male student. She added that her accommodations should have been in place prior to her starting the XXXXXXXXX class, because she was a former student and that they knew she was a returning student.

⁸ Based upon her statements regarding needing additional accommodations, the College responded and approved additional accommodations as discussed below.

As stated above, a student with a disability is obligated to notify his or her postsecondary institution of the nature of the student's disability and the need for a modification, adjustment, aid, or service. Once an institution receives such notice, it has an obligation to engage the student in an interactive process concerning the student's disability and related needs. Thus, the Complainant's argument that the College's ADR office should have implemented accommodations for her prior to her March 25th meeting with an ADR Specialist after her 2-year absence is an incorrect interpretation of the College's legal obligations. Additionally, with respect to the College's assignment of quiet rooms amongst disabled students, OCR typically defers to the recipient's judgment.

The evidence shows that the College attempted to meet the Complainant's disability related needs regarding a quiet room. In fact, the evidence shows that it was by the College's own initiation that the College provides the Complainant with a quiet room for her quizzes. The evidence also shows that the College provided a variety of rooms for the Complainant in an attempt to meet her needs. Also, the evidence shows that whenever the Complainant complained regarding the lack of a quiet room, the College quickly resolved the Complainant's concerns. Although the Complainant complained that there are no quiet rooms at the College, there is no evidence that the Complainant notified the College that it was further failing to provide her with a quiet room, after the College took responsive action to resolve the Complainant's concern.

Consequently, there is insufficient evidence to find that the College failed to provide her with a quiet room as alleged.

Note-taker

The Complainant alleged that the College failed to provide her with a note-taker for her XXXXXXXX class.

The College acknowledged that it subsequently added a note-taker for the Complainant. It explained that on Friday April 11th, the Complainant called the ADR office and left a message requesting "better accommodations" and requested to speak to the ADR Director. Despite having an appointment scheduled on April 16th, on April 15th, the Complainant met with Specialist3 and articulated her new demands for accommodations. It included three times the normal time for tests, assistance with taking notes, use of a laptop for taking notes, and a note-taker.

Thus, Specialist3 communicated with the Professor and then emailed the Complainant's updated accommodations on April 16th. It included 1) three times the normal time for tests; 2) Audio Recorder; 3) Use of a laptop/tablet for note-taking; and 4) Note-taking services. With respect to note-taking services, it states, "Remember that the instructor is responsible for obtaining a note taker for the student" and provides a link for instructions on how to do so. Regarding a laptop, it stated, "Student may use a personal laptop/tablet in class for note taking and in class assignments."

The College stated that on Thursday April 17th, the Professor asked if anyone in the XXXXXXXX class would be willing to be a note-taker, without mentioning the Complainant's name. No one volunteered. The Professor then informed the ADR office the same day that no one had volunteered. Thus, Specialist2 emailed the Complainant on April 17th and informed her that no one had volunteered, but that another option was available for her. She stated that the Complainant was allowed to take pictures of notes on the whiteboard in the classroom and informed the Complainant to let the ADR office know if she would like to use this option.

On Tuesday April 22nd, Specialist2 emailed the Complainant and Professor an update to her accommodations. It stated the accommodation for being allowed to take pictures of the whiteboard and

record audio/video as needed. It stated that this “Accommodation is to compensate no note taker for course.”

The ADR Director stated that approximately half of the time a student is approved with a note-taker as an accommodation the College is unable to provide one because of the lack of a volunteer. He stated that when this happens, the College explores other options that could remove the barrier/s. He explained that, depending on the student’s disability, the options could include a recording device, a laptop for taking notes, opportunities to take a snapshot of information on the board, or other similar options. Additionally, he stated that if the College is unable to provide other options that would remove the barrier, the College has staff who can take notes in place of a student-volunteer.

The College explained that it offered the Complainant an alternative to a student-volunteer, which was the option to take pictures of notes on the whiteboard in the classroom. The Complainant informed Specialist3 in an email dated April 24th, “I don’t need to take snapshots. Thanks.” The Complainant provided no explanation nor articulated further demands. Specialist2 stated that after the Complainant picked up the laptop for taking notes, she said that it was sufficient. Specialist2 and Specialist3 acknowledged that they (Specialist2, Specialist3, and the ADR Director) did not discuss utilizing the option of a College staff as a note-taker.

The Complainant asserted that the Professor introduced her to a female classmate and informed the Complainant that this woman would be her note-taker. She stated that after a few classes, she requested for the notes and was told by the classmate that the Professor told her that she was only to take notes for a different disabled classmate. The Complainant was unable to provide evidence of her assertion.

However, it is undisputed that the College approved a note-taker as an accommodation for the Complainant and the College did not provide her with a note-taker.

As stated above, the Section 504 regulations, at 34 C.F.R. §104.44(d)(1), require recipient colleges and universities to take steps to ensure that no disabled student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids. Recipient may establish reasonable procedures for requesting and providing approved auxiliary aids. Thus, if the College determined that the Complainant required note-taker services in order for her to participate equally in the class, the College must provide note-taker services unless it can demonstrate that doing so would constitute an undue burden or fundamental alteration of the program. OCR found that the College’s approval of note-taker services as an accommodation provides support to conclude that the College determined the Complainant required note-taker services in order to participate equally in her class. The College did not provide that doing so would constitute an undue burden or fundamental alteration of the program. We also noted that the burden to find a note-taker was left entirely on the Complainant’s Professor, rather than the ADR office.

As a result, the College has voluntarily agreed to resolve the compliance concern found in our investigation of this allegation in the attached Resolution Agreement. OCR will monitor the College’s implementation of the Resolution Agreement until it is completed.

Additional Testing Time

The Complainant last alleged that the College failed to provide her with extra time for her quizzes.

The College stated that it provided her with double-time and then triple-time as the Complainant requested. The College provided OCR with an email to the Complainant on March 25th informing her of the approval for double-time for testing. As described above regarding a note-taker, on April 15th, the

Complainant met with Specialist3 and articulated her new demands for accommodations, which included triple-time for testing. The College quickly approved of her request for triple-time for testing and informed her in an email on April 16th.

The College acknowledged that the Complainant verbally complained to an ADR staff that she did not have sufficient time to take her quizzes. The College explained that ADR sought clarification from the Professor regarding the situation. The Professor responded via email on April 10th stating:

“Students in class are allowed 25 minutes to take the quiz. Students with double test time are allowed 50 minutes. The class officially begins at 0830 but the room is open at approximately 0800. All she needs to do is put her homework on the desk which she can do any time before 0831. Her designated testing time is from 0840 to 0930.”⁹

Regarding triple-time for the quizzes, the College provided a copy of another April 16th email to the Complainant where it stated in relevant part, “The time scheduled for triple the normal testing time for the daily exams at the Testing Center: 8:15 AM to 9:30 AM.”

Additionally, although the Complainant stopped attending/withdrew from her classes on or around the end of April 2014,¹⁰ prior to her withdrawal the College had made arrangements for triple-time for the Complainant’s end of the class exams. The College provided OCR with a copy of April 23rd and April 30th emails from ADR to the Complainant and others explaining the exam testing procedures. The emails show that the Complainant was to receive 30 minutes for each part of the exam while her non-disabled peers were given 10 minutes for each part.

During OCR’s several interviews with the Complainant, OCR sought clarification regarding this allegation. She provided several different explanations regarding the amount of time she and her non-disabled classmates had to take the quizzes. The most consistent response she provided is that she believed that her classmates had 30 to 40 minutes to take the quizzes, but at other times believed her classmates had up to an hour. However, she was unable to provide any support for her assumption. Regarding her own testing time, she provided a variety of responses ranging from 45 minutes to over one hour. She seemed to believe that she was given only 15 minutes extra. During her rebuttal, the Complainant stated that she sometimes started at 8:45 to as late as 9:00. She explained that the lecture portion of the class started at 10:00 and that she sometimes got to class late.¹¹

Based upon the evidence collected, the normal testing time for the daily quizzes was 25 minutes. The evidence also shows that the Complainant was initially assigned 50 minutes (double-time) and then one hour and fifteen minutes (triple-time) for her quizzes. Additionally, the Complainant’s statements indicate that she was given anywhere from 45 minutes to approximately an hour and fifteen minutes for the quizzes. OCR notes that the Complainant’s statements generally support the College’s position that it provided the Complainant with double-time and then triple-time for her quizzes.

Consequently, there is insufficient evidence to find that the College failed to provide her with extra testing time as alleged.

This concludes OCR’s investigation of this 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

⁹ This statement from the Professor was made when the Complainant was approved for double-time for testing. Triple-time for testing was approved one week later.

¹⁰ The Complainant believes she stopped attending her classes approximately 2 weeks prior to the May 7th last day of the class.

¹¹ As the Complainant did not take her exams, OCR did not question the Complainant about the testing time for the exams.

addressed in this letter. The Complainant may have a 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.

This letter is a letter of findings issued by OCR to address an individual OCR case. Letters of findings contain fact-specific investigative findings and dispositions of individual cases. Letters of findings are not formal statements of OCR policy and they 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.

If you have any questions, please contact XXXXXXXXXXXXXXXX, Attorney Advisor and the primary contact for this case, at XXX-XXX-XXXX, or me at XXX-XXX-XXXX.

Sincerely,

/s/

Thomas M. Rock
Supervisory General Attorney
Denver Enforcement Office

Enclosure – Resolution Agreement