



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII  
ARIZONA  
COLORADO  
NEW MEXICO  
UTAH  
WYOMING

August 27, 2015

Andrew Dorsey  
President  
Office of the President - C1404  
3645 West 112th Avenue  
Westminster, CO 80031

Re: Front Range Community College  
OCR Case Number: 08-15-2140

Dear President Dorsey:

On March 2, 2015, the United States Department of Education's Office for Civil Rights received a complaint of discrimination filed against Front Range Community College (College). The issues that OCR investigated were:

- 1) Whether the College subjected the Complainant to disability harassment during the fall 2014 and spring 2015 semesters; and
- 2) Whether the College failed to implement the Complainant's accommodations during the fall 2014 semester.

We are writing to inform you that we have completed our investigation into these issues.

We are responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education, 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 Section 504 and Title II and their implementing regulations.

With respect to the first issue, on April 17, 2015, we received information from the College documenting that the Complainant filed the same allegation regarding harassment with the College through its internal grievance process. Pursuant to our *Case Processing Manual*, § 110(a)(2), OCR will close a complaint when the same complaint allegations have been filed by the complainant against the same recipient through a recipient's internal grievance procedures, and those allegations have been investigated by the recipient. In such a case, OCR will review the investigation conducted to ensure that a comparable resolution process, under comparable legal standards, was utilized in the adjudication of that complaint. Because the Complainant filed the same harassment allegation through the College's internal grievance procedures, we

reviewed the College's internal investigation and found that the College conducted a comparable investigation (i.e. interviewed the same set of witnesses, reviewed the same set of data, etc.) under the same legal and investigative standards that OCR utilizes. The College provided the Complainant with a rebuttal opportunity to the information gathered, but the Complainant did not respond. Ultimately, the College found and notified the Complainant that there was insufficient evidence to demonstrate that the Complainant was subjected to harassment, as alleged. OCR found no basis to overturn this determination. Correspondingly, we are administratively closing this allegation effective the date of this letter.

With respect to the second issue, involving the failure to provide academic adjustments, OCR learned that the Complainant had enrolled in Nursing Assistant classes at the college since the spring of 2014. The Complainant is a qualified individual with a disability and had been approved for academic adjustments by the College in the spring of 2014, but only requested accommodations for this particular Nursing Assistant course that was taken in the fall of 2014. His academic adjustments included XXXX. The Complainant stated that a quiz was administered within the first week of class and that he did not receive his academic adjustments on the quiz. The College denies that it failed to provide the Complainant with his approved academic adjustments.

Prior to the conclusion of OCR's investigation and during discussions with OCR, the College requested to resolve this allegation and signed an Agreement which, when fully implemented, will address the issue raised. In accordance with Section 302 of OCR's *Case Processing Manual*, the provisions of the Agreement are aligned with the complaint allegation and the information obtained during OCR's investigation, and consistent with the applicable regulations. Therefore, OCR is closing this complaint effective the date of this letter. OCR, however, will monitor the College's implementation of the Agreement. A copy of the Agreement is enclosed.

OCR has provided written notification to the Complainant that the College has entered into this Agreement, and we provided the Complainant with a copy of the Agreement.

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 protect personal information to the extent provided by the law.

If you have any questions, you may contact XXXX, Equal Opportunity Specialist, at (303) 844-XXXX, or by E-mail at XXXX@ed.gov.

Sincerely,

Stephen Chen  
Supervisory Attorney

Enclosure