



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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June 23, 2016

Shouan Pan, Ph.D.
President
Mesa Community College
1833 West Southern Ave
Mesa, AZ 85202

Also via email to: shouan.pan@mesacc.edu

Re: Mesa Community College
OCR Case Number 08-16-2145

Dear President Pan:

On March 25, 2016, we received a complaint filed against Mesa Community College (College) alleging the College discriminated and retaliated based on disability. OCR evaluated the complaint in accordance with OCR's *Case Processing Manual* to determine whether to open the complaint for investigation.

Specifically, the complainant alleged that the College discriminated against her when she was not permitted to bring her service animal to class. She also alleged a member of College faculty retaliated by threatening to reduce her grade after she advocated for her service animal.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132 and its implementing regulation at 28 C.F.R. Part 35. Section 504 and Title II prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to these laws.

On May 10, 2016, the College reported to OCR that:

- service animals, including the complainant's service animal, are welcome in accordance with the Maricopa Governance District Policy Manual;
- any unexcused absence the complainant received in her psychology class was reversed and she received an "A" for the course;
- the complainant's DRS documentation has been archived and is no longer housed at the Red Mountain campus. Only Disability Resource Services (DRS) officials/personnel may reactivate her records and only at her request (Note that her records are available for reactivation for five years); and
- during faculty orientation conducted at the beginning of the Spring 2016 semester, all College, including Red Mountain, resident and adjunct faculty and staff received training

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on the DRS which included information about service animals and the College's service animal policy.

On May 11, 2016, we confirmed with the complainant that she believed the College's actions were an appropriate resolution to her allegations.

According to Section 110(e) of OCR's *Case Processing Manual*, OCR will close a complaint if OCR obtains credible information indicating that the allegations raised by the complaint have been resolved, and there are no class-wide allegations. OCR has determined that the complaint allegations are resolved and there are no current allegations appropriate for further complaint resolution. Therefore, OCR is closing this complaint effective the date of 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 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. In the event that OCR receives such a request we will seek to protect, to the extent provided by law, personal information, which, if released, could constitute an unwarranted invasion of privacy.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law.

We wish to thank the College, especially xxxxxxxxxx, for the cooperation extended in resolving this complaint. If you have any questions, please contact Pam Rosendal, Attorney Advisor, at 303-844-4823 or me at 303-844-5927.

Sincerely,

Thomas M. Rock
Supervisory Attorney

cc: xxxxxxxxxx