



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII

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June 14, 2022

Dr. Deneece G. Huftalin, President
Salt Lake Community College
4600 S Redwood Rd
Salt Lake City, UT 84123

By email only to [redacted content]

Re: OCR Complaint No. 08-22-2021
Salt Lake Community College

Dear President Huftalin:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR) with respect to the above-referenced complaint filed against Salt Lake Community College (College). The complaint alleged that the College discriminated against the Complainant on the basis of her sex.

Specifically, the Complainant alleged that:

- 1) a College Professor encouraged her to drop a course because she was pregnant, the Professor told her that she needed to accept responsibility for her pregnancy, and the Title IX Coordinator did not promptly and equitably respond to her [redacted content] complaint regarding the Professor's conduct;
- 2) the College did not engage in an interactive process with the Complainant to provide her with academic adjustments and/or related services during her pregnancy in the same manner that the College provides to students with temporary medical conditions; and
- 3) the College did not excuse the Complainant's pregnancy-related absences and did not allow her to submit work after pregnancy-related absences, both of which [redacted content] with the Professor.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination based on sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. OCR also enforces 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,

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

which prohibit discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. Because the College receives Federal financial assistance from the Department, OCR has jurisdiction over the College pursuant to Section 504 and Title IX.

During the course of the investigation, OCR reviewed documents and other information provided by the Complainant and by the College. OCR also interviewed the Complainant and College staff. As discussed below, OCR found that the College failed to respond promptly and equitably to the Complainant's complaint of pregnancy discrimination, in violation of Title IX. OCR also found that the College failed to engage in an interactive process with the Complainant to determine the appropriate special services and/or academic adjustments to provide in light of her pregnancy, in violation of Title IX. OCR further found that the College failed to engage in an interactive process with the Complainant and failed to consider whether the Complainant's pregnancy caused a temporary disability requiring academic adjustments, in violation of Section 504. Finally, OCR found that the College failed to excuse the Complainant's absences related to pregnancy, provide her the opportunity to make up work missed due to absences related to pregnancy, or provide alternatives to making up missed work at a later date, in violation of Title IX.

Legal Standards

Title IX

The Title IX regulation, at 34 C.F.R. § 106.31(a), states as follows: "Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance."

The Title IX regulation, at 34 C.F.R. § 106.8(a), requires each recipient to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the regulation implementing Title IX, including investigation of any complaint communicated to the recipient alleging any actions which would be prohibited by Title IX. The regulation, at 34 C.F.R. § 106.8(c), requires that a recipient adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints alleging any action prohibited by Title IX.

Discrimination based on pregnancy

The Title IX regulation, at 34 C.F.R. § 106.40(b)(1), prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.

Special Services to Pregnant Students

To ensure a pregnant student's access to its educational program, when necessary, a school must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. Title IX requires a recipient to provide the same special services to a pregnant student that it provides to students with temporary medical conditions. 34 C.F.R. §§ 106.40(b)(4) and (5).

Absences due to Pregnancy

Pursuant to 34 C.F.R. § 106.40(b)(5), a recipient must excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences to be medically necessary. When the student returns to school, she must be reinstated to the status she held when the leave began, which should include giving her the opportunity to make up any work missed. A recipient may offer the student alternatives to making up missed work, such as retaking a semester, taking part in an online course credit recovery program, or allowing the student additional time in a program to continue at the same pace and finish at a later date, especially after longer periods of leave. The student should be allowed to choose how to make up the work.

Section 504

The Section 504 regulation, at 34 C.F.R. § 104.43(a), provides that a qualified person with a disability may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability. Although a normal, healthy pregnancy is generally not considered a disability, a pregnant student may become temporarily disabled and thus entitled to the same rights and protections of other students with a temporary disability.

If students with disabilities in postsecondary education believe that they need a disability-related modification, they have the obligation to identify themselves as having a disability and to request the modification. The Section 504 regulation, at 34 C.F.R. § 104.44(a), requires a post-secondary institution to modify its academic requirements as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against a qualified student with a disability.

Section 504 envisions a meaningful and informed process with respect to the provision of modifications, e.g., through an interactive and collaborative process between a post-secondary institution and the student. Students are responsible for knowing these procedures and following them. Generally, upon receiving documentation of a disability and a request for academic adjustments, a postsecondary institution's evaluation of a student's request requires a fact-specific, case-by-case inquiry. This evaluation process should be interactive, with information exchanged between the student and the postsecondary institution to arrive at a conclusion about the academic adjustment requested.

In providing an academic adjustment, a postsecondary institution does not have to eliminate or lower essential requirements of its programs or activities or make modifications that would result in a fundamental alteration of its programs or activities or impose an undue burden on the institution. Academic requirements that the recipient can demonstrate are essential to the instruction being pursued by a student or to any directly related licensing requirement are not regarded as discriminatory. In reviewing an institution's determination that a specific standard or requirement is an essential program requirement that cannot be modified, OCR considers whether that requirement is educationally justifiable. The requirement should be essential to the educational purpose or objective of a program or class. OCR considers among other factors, whether: (1) the decisions regarding essential program requirements were made by a group of people who are trained, knowledgeable, and experienced in the area through a careful, thoughtful, and rational review of the academic program and its requirements; and (2) whether the decision-makers considered a series of alternatives for the essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability. OCR affords considerable deference to academic decisions made by post-secondary institutions, including what is or is not an essential program requirement.

Policies

Although the College has a Nondiscrimination Policy and a Title IX website,¹ neither of these resources explains the College's policies and procedures for addressing pregnant students' requests for leaves of absence related to pregnancy or need for academic adjustments or related aids and services. The College's Code of Student Rights and Responsibilities (Code) also does not provide information about the rights of pregnant students.² Finally, the College's ADA Access and Reasonable Accommodations Policy and Disability Resource Center's website³ do not refer to pregnant students and do not describe the process the College uses to approve or deny academic adjustments, including any appeal rights for students or the process the College uses to determine when a requested academic adjustment constitutes a fundamental alteration.

Factual Findings

The Complainant is a student at the College taking classes in the [redacted content] (Program). The Complainant told OCR that she enrolled in four courses for the [redacted content] semester. On or about [redacted content], the College informed students that courses would be completed in person and not online for the [redacted content] semester. The Complainant stated that she dropped one course shortly after the semester began but remained enrolled in three courses. Of the three remaining courses, [redacted content] were with the Professor, [redacted content]. [Redacted content] were scheduled in the mornings on [redacted content]

¹ See <https://www.slcc.edu/title-ix/index.aspx> (last visited on June 14, 2022).

² See https://www.slcc.edu/policies/policies/student_affairs/8.1.050.aspx (last visited on June 14, 2022).

³ See <http://www.slcc.edu/drc/> (last visited on June 14, 2022).

The Complainant informed OCR that the Program has an attendance policy that states, in relevant part, that a student with [redacted content] absences would fail any Program course and that three late arrivals constitute one absence. The Course syllabi state that any student who misses more than 20% of a class is not eligible to pass the course, and states that students may not miss more than [redacted content] classes. The syllabi also states that three tardies are considered equal to one absence.

The Complainant stated that [redacted content] after the semester began, around the end of [redacted content], she learned that she was pregnant. The Complainant told OCR that, on [redacted content], she informed the Professor of her pregnancy and that she was struggling with morning sickness and had missed or been late to some of the Professor's classes as a result. She requested academic adjustments from the Professor to allow additional absences and the ability to turn in assignments late without a grade penalty due to her nausea, which she told the Professor often lasted all day and prohibited her from eating. In a written statement to OCR, the Professor acknowledged that the Complainant shared this information with her on [redacted content]. According to the statement, the Complainant informed the Professor of her pregnancy during the [redacted content] week of the course and the [redacted content] of 29 class meetings according to the College's academic calendar.⁴

The Complainant explained to OCR that she asked the Professor if she could modify the Program's attendance policy and allow her to turn in assignments late because of her morning sickness, and that the Professor responded that she would allow a few additional absences but would apply a grade penalty to late assignments. In addition, the Complainant told OCR that the Professor advised her to drop the [redacted content] course because of her pregnancy. The Complainant told OCR that she wanted to stay in the [redacted content] course because that was the only time it was offered and it was a prerequisite for other courses, and that she explained this to the Professor. However, in a written statement to OCR, the Professor asserted that the Complainant informed the Professor that she would drop one of the courses. There is no written documentation to corroborate either the Complainant's or the Professor's characterization of the conversation on [redacted content], but the Professor expressed concern that the Complainant decided to continue with [redacted content] in an email to the Complainant on [redacted content].

This email from the Professor was in response to the Complainant's email of [redacted content],⁵ in which she asked the Professor again for extra time to work on assignments in [redacted content] because her "morning sickness ... has really been lasting all day ... and has been affecting [her] ability to focus and work on the projects as much as I normally would, even with taking medicine." The Professor responded via e-mail that she "was concerned that [the Complainant] had decided to continue with [redacted content] this semester," and that although

⁴ See <https://www.slcc.edu/satts/docs/academic-calendar.pdf> (last visited on June 14, 2022).

⁵ The class of [redacted content], held the day before this email, was the [redacted content] of 29 class meetings. <https://www.slcc.edu/satts/docs/academic-calendar.pdf>.

she had not failed someone pursuant to the Program's absence policy, she had lowered final grades if missed days were "excessive." The Professor also stated that a late submission penalty would apply to late assignments and again advised the Complainant to drop [redacted content] because the Complainant's "health is more important than a class."

Although the Professor did not refer the Complainant to the College's Title IX Coordinator or Disability Resource Center (DRC) in response to the requested accommodations on [redacted content], later that day, the Complainant contacted the College's DRC to seek formal academic adjustments, providing a note from her treating physician discussing her nausea and vomiting and requesting that the College provide her accommodations. In her application for academic adjustments, the Complainant stated that she sought "flexibility to arrive a little later to class without having it count against me when my morning sickness prevents me from getting there on time. Also extra time on assignments as my sickness can and has lasted all day and prevents me from being able to work or focus on homework to get it turned in."

On [redacted content], an [redacted content] (Advisor) emailed the [redacted content] about an upcoming appointment with the Complainant who "on her application is asking for attendance and assignment deadlines because she has been sick even with medication with [her] pregnancy." The Advisor asked to discuss the matter with the Assistant Director prior to meeting with the Complainant. The Assistant Director informed the Advisor, copying the Title IX Coordinator, that "pregnancy falls under Title 9 [sic]" and that she could refer the Student to the College's Title IX Coordinator. The Assistant Director also provided the Advisor and Title IX Coordinator with OCR's Guidance, [Supporting the Academic Success of Pregnant and Parenting Students](#).

The Advisor spoke with the Complainant via phone on [redacted content]. The Advisor's notes reflect that she discussed a modification to the courses' attendance and assignment deadlines with the Complainant, and that the Complainant would need to discuss the requests with the Title IX Coordinator.

On [redacted content], the Complainant twice emailed the Title IX Coordinator. In the first email, the Complainant described the effect of her nausea, stating that she was occasionally nauseous all day, was taking medication, and [redacted content]. The Complainant also raised her concern about the Program's attendance and tardiness policy, and explained that the Professor would not allow late submissions because of her pregnancy without deducting 10% for each week an assignment was late. The Complainant asked for "more time to work on/turn in assignments and to be able to show up late for [her] [redacted content] class without being penalized for it due to the extremity of her situation."

In the second email to the Title IX Coordinator, the Complainant expressed concern that the Professor had encouraged her to drop [redacted content] because of her pregnancy and that she felt discriminated against because of her pregnancy. The email explained that the Professor told her that she "needed to take some responsibility for the things that were going on," and that the Professor's treatment makes her feel like the Professor "would rather have me drop out of the class or fail rather than try to help me succeed," and that the Professor told her that "pregnancy isn't normally something that can be accommodated."

The Title IX Coordinator told OCR that he had a brief conversation with the Complainant about her requests on [redacted content], in which he told her that she could receive academic adjustments but that they were not without limit. The Title IX Coordinator informed OCR that he did not document this conversation and that he did not consult with the DRC about the Complainant's request or the DRC's academic adjustment process.

The Title IX Coordinator emailed the Professor on [redacted content], stating that "Title IX does require that accommodations are provided to students within limits," and that he would like to find a time to discuss the matter with the Professor. The Title IX Coordinator spoke via phone with the Professor during that week. The Title IX Coordinator did not retain notes from his conversation with the Professor, but in a written statement to OCR stated that the Professor told him that the Complainant requested "to have her previous absences invalidated, [be allowed] to stream any upcoming classes that she would not be able to attend, [be allowed] to submit past assignments that she had missed, and [be allowed] additional time to submit upcoming assignments."

The Professor's written statement to OCR similarly explained that the Title IX Coordinator told her that the Complainant "felt she deserved special accommodations in [the Professor's] classes because of her pregnancy." The Professor stated that she told the Title IX Coordinator that the Complainant sought excused absences and tardies and an opportunity to participate via streaming when she was unable to attend class. The Professor stated that in week [redacted content], of the semester, she consulted with an employee at the DRC who told her that "it didn't sound like accommodations were warranted."

In its written response to OCR, the College characterized the Complainant's requested academic adjustments for her pregnancy as "to not have her attendance count, to be able to submit her assignments without deadline." The College explained that the Title IX Coordinator discussed the Complainant's request for academic adjustments with the Professor, who expressed concern that, due to the Complainant's current grade and lack of attendance in the class, additional absences and continued missed work would result in a fundamental alteration of the class because "additional absences and failure to due [sic] the assignments would have upon her educational impact."

In an interview with OCR, the Title IX Coordinator said that he determined that the Complainant's requested academic adjustments constituted a fundamental alteration to the courses. The Title IX Coordinator told OCR that he consulted with the Professor and Dean of Students when he determined that the Complainant's request for academic adjustments constituted a fundamental alteration of the Program. However, the Title IX Coordinator did not document the conversation with the Professor or Dean of Students and did not identify the College policy or other information on which the Title IX Coordinator based the conclusion that the Complainant's requested academic adjustments constituted fundamental alterations, other than the single [redacted content] conversation he had with the Professor.

The Title IX Coordinator stated to OCR that he spoke via phone with the Complainant on [redacted content]. He told her that if she believed that she could complete the courses with academic adjustments that would not be considered fundamental alterations of the courses' learning objectives, they could discuss her requests further. He further stated that during the conversation with the Complainant, he did not explore or propose alternative academic adjustments that could meet the Complainant's needs and that would not constitute fundamental alterations of the courses' learning objectives. He also stated that he did not email the Complainant to formally deny the Complainant's request for academic adjustments, inform her that the College considered her requests to be a fundamental alteration of the courses' learning objectives, provide her with an explanation or statement of the College's decision, or inform her of any appeal rights that she might have.

The Complainant [redacted content] on [redacted content]. The College later refunded the Complainant's tuition for the courses.

Regarding the Complainant's assertion that the Professor discriminated against her because of her pregnancy, as described in her email to the Title IX Coordinator on [redacted content], the College states only that the Title IX Coordinator spoke with the Complainant and Professor and reviewed emails between the Professor and the Complainant. The Title IX Coordinator told OCR that he did not take or retain any notes that he took when discussing the alleged comments with the Professor or the Complainant because the Complainant had not asked him to investigate. The Title IX Coordinator stated that he therefore did not conduct a formal investigation.

Analysis and Conclusion

Allegation 1 – Failure to Respond Promptly or Equitably to Pregnancy Discrimination Complaint

On [redacted content], the Complainant twice emailed the College's Title IX Coordinator and stated that she believed the Professor had discriminated against her based on her pregnancy. In the first email, the Complainant described the physical effects of her pregnancy, noted her requests for academic adjustments, and asserted that the Professor had neither granted academic adjustments nor referred the Complainant to the DRC. In the second email, the Complainant asserted that when she sought academic adjustments because of her pregnancy, the Professor encouraged her to drop the course based on her pregnancy and told her that she "needed to take some responsibility for the things that were going on." The Complainant explained to the Title IX Coordinator that she believed the Professor "would rather help her drop out of the class or fail rather than try to help me succeed." Because Title IX prohibits recipients from discriminating against a student based on pregnancy, including taking action to exclude a student from the recipient's programs or activities based on pregnancy, *see* 34 C.F.R. 106.40(b)(1)-(3), the Professor's alleged comments, encouraging the Student to drop the course because of her pregnancy, could constitute pregnancy discrimination and therefore merited a prompt and equitable resolution under the Title IX grievance procedures that all recipients must have.

The Title IX Coordinator told OCR that he responded to the Complainant's emails by asking the Professor if she had made the alleged comments to the Complainant and that the Professor denied making the alleged comments. The Title IX coordinator also stated that he reviewed emails exchanged between the Professor and the Complainant. The Title IX Coordinator did not create an investigatory file, obtain written statements from the Professor and the Complainant, take and retain notes of his conversations with the Professor and the Complainant, or issue a notice of the investigation's outcome to the Complainant. The Title IX Coordinator told OCR that he rejected the Complainant's requests for academic adjustments because they would constitute a fundamental alteration of the Program, but there is no evidence that the Coordinator notified the Complainant of this outcome. The Title IX Coordinator also provided no response to the Complainant's allegation that the Professor was encouraging her to drop the class because of her pregnancy and that she perceived this as discriminatory.

Based on consideration of all the information gathered during the investigation, OCR concludes that the College violated Title IX as alleged in Allegation 1 in that the College failed to respond promptly and equitably to the Complainant's complaint that the Professor discriminated against her based on her pregnancy.

OCR also notes that although the College's Code of Student Rights and Responsibilities (Code) directs students to contact the College's Title IX Coordinator if they believe they have been discriminated against, the Code does not mention pregnancy. Similarly, the College's Title IX website contains no information regarding how a student may file a complaint alleging pregnancy discrimination.

Allegation 2 – Failure to Engage in Interactive Process

The Complainant informed the Professor of her pregnancy-based morning sickness, which had caused her [redacted content], and requested academic adjustments to the class attendance policy and additional time to turn in assignments based on her morning sickness by [redacted content], less than a [redacted content] of the way through the course semester. The Complainant sought academic adjustments from the College's DRC during the week on [redacted content], a little more than a week before [redacted content] of the semester.

The Title IX Coordinator did not approve the academic adjustments the Complainant requested, and he acknowledged that he did not discuss any alternative academic adjustments with the Complainant. Though the Complainant expressly requested academic adjustments based on her pregnancy-related sickness, the Title IX Coordinator did not inform the Complainant in writing that the request she had made had been denied.

Given the College's failure to explore or propose alternative academic adjustments with the Complainant, OCR concludes that the College did not engage in an interactive process with the Complainant to determine appropriate academic adjustments in light of her pregnancy and therefore violated Title IX as alleged in Allegation 2. *See* 34 C.F.R. §§ 106.40(b)(1), (4), (5).

To the extent that the College determined that the Complainant's requested academic adjustments would have constituted a fundamental alteration of the [redacted content] Program, OCR finds that the College did not engage in a proper deliberative process in making such a determination. Among other things, the College:

- mischaracterized the Complainant's written request for academic adjustments;
- made the decision based solely on the communication between the Title IX Coordinator and Professor, and not by a group of people who are trained, knowledgeable, and experienced in the area of when to grant academic adjustments or special services to pregnant students and students with other temporary medical conditions under 34 C.F.R. §§ 106.40(b)(4) and (5);
- did not consider alternative academic adjustments;
- did not document the bases for its decision;
- based its decision on the Complainant's current performance without academic adjustments based on her pregnancy, and speculation as to whether she could complete the courses requirements, and not a careful, thoughtful, and rational review of the academic program and its requirements; and
- did not consider whether retroactive academic adjustments would be warranted in light of the absence of information about services for pregnant students on its website and the fact that College staff did not refer the Complainant to the Title IX Coordinator on [redacted content], when she first requested academic adjustments based on her pregnancy.

In addition, OCR concludes that the College violated Section 504 when, after the Complainant reported the effects of her pregnancy to the DRC, the College did not consider whether her pregnancy had caused a temporary disability or engage in the interactive process with her to determine whether she required academic adjustments pursuant to Section 504.

Although pregnancy is not itself a disability, here the Complainant informed the College that her pregnancy was causing acute morning sickness, such that some days she could not eat or that her nausea impacted her the entire day. The Complainant also provided medical documentation of these conditions. The DRC, however, did not consider whether the Complainant suffered from a temporary disability, but rather only referred her to the Title IX Coordinator, who did not provide her with academic adjustments to accommodate her conditions caused by her pregnancy.

OCR concludes that the College violated the Section 504 regulation at 34 C.F.R. § 104.44(a), when it did not engage the Complainant in an interactive and informed process with respect to the provision of modifications to its Program. As a result of the College's failure to engage in the interactive process it also did not modify its academic requirements for the Program as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against a qualified student with a disability.

Allegation 3 – Failure to Excuse Pregnancy-Related Absences

The Complainant sought academic adjustments related to attendance and tardy policies for the courses that impacted her potential grades in the courses. In addition, the Complainant provided medical documentation to the College that her pregnancy caused her to miss or be late for the courses. However, the College did not excuse the Complainant’s absences related to pregnancy, provide her the opportunity to make up work missed due to absences related to pregnancy, or provide alternatives to making up missed work (including classroom participation), such as remote attendance, extended time for assignments, or finishing the courses at a later date, as required by the Title IX regulation at 34 C.F.R. § 106.40(b)(5).

OCR concludes that the College’s failure to excuse the Complainant’s absence and tardies caused by her pregnancy violated Title IX as alleged in Allegation 3. Because the College did not excuse her pregnancy-related absences and did not allow her to submit work after pregnancy-related absences, [redacted content].

Conclusion

Upon being advised of the violation findings, the College entered into a Resolution Agreement (“Agreement”) to resolve the matter. A signed copy of the Agreement is attached with this letter. When the Agreement is fully implemented, the issue will be resolved consistent with the requirements of Title IX, Section 504, and their implementing regulations. OCR will monitor implementation of this Agreement through periodic reports from the College about the status of the Agreement’s terms. OCR will provide the College with written notice of any deficiencies regarding its implementation of the terms of the Agreement and will require prompt actions to address such deficiencies. OCR will provide the Complainant with a copy of its final monitoring letter. If the College fails to implement the Agreement, OCR will take appropriate action, as described in the Agreement.

The case is now in the monitoring phase. The monitoring phase of this case will be completed when OCR determines that the College has fulfilled the term of the Agreement and is in compliance with the statutory and regulatory obligations at issue in this case. When the monitoring phase of this case is complete, OCR will close this case and send a letter to the College, stating that this case is closed.

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 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 a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Patrick Alexander, the OCR attorney assigned to this complaint, at 303-844-3473 or Patrick.Alexander@ed.gov.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

Enclosure: Resolution Agreement

cc: David Jensen, Title IX Coordinator, David.Jensen@slcc.edu