

March 18, 2021

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

STUDENT TITLE IX COMPLAINT

Abraham Lincoln University (ALU) discriminated against my religion and unfairly prejudiced my course grade by disallowing the administration of my [REDACTED] course's final exam.

BACKGROUND

On [REDACTED] I emailed ALU's Student Services a [REDACTED] [REDACTED] Student Services confirmed receipt. On [REDACTED] I submitted an [REDACTED] proctor request for my [REDACTED]

On [REDACTED] ALU's Proctor Team confirmed approval of my proctor request. I successfully took an [REDACTED] proctored exam for [REDACTED] I took [REDACTED] [REDACTED] whose final exam was scheduled for [REDACTED]. On [REDACTED] I emailed a [REDACTED] request to the ALU Proctor Team directly through the eLearn portal, which is a website used for students to access learning resources and participate in courses.

On [REDACTED] I emailed the Proctor Team through my student email account, requesting to [REDACTED] instead of the [REDACTED]. The

Proctor Team replied that all final exams must be proctored by ProctorU, stating the only exception is if I go through the “Request for Reasonable Accommodations” process.

On [REDACTED] I emailed the ALU Reasonable Accommodations team, requesting [REDACTED] for my final exam. Student Services replied that “Students who are unable to schedule their exam(s) with ProctorU and require additional accommodations must submit a Reasonable Accommodations Form” to the Reasonable Accommodations team. They attached the form.

On [REDACTED] I emailed the accommodations department, attaching the request form. On [REDACTED] the ALU Chief Academic Officer Robert Abel (CAO) emailed a response, asking that I update the form identifying a disability and supporting documentation. On

[REDACTED] I emailed the CAO stating that [REDACTED]

[REDACTED] I referred to my [REDACTED]

[REDACTED] and [REDACTED] for my [REDACTED]

Additionally, I informed the CAO that my computer’s operating system is incompatible with ProctorU’s software. I attached documents of my former proctor approval and my [REDACTED]. [REDACTED] The CAO replied stating he attempted to call me to discuss this matter, but could not reach me. He wanted to arrange a telephone appointment, stating he could not make a decision without documentation to support my request.

He needed it to “determine if it falls under an ADA accommodation.” On [REDACTED]

[REDACTED] I sent an email to the CAO, Student Services, and the Proctor Team, stating my compliance with the [REDACTED] communication per my request for a [REDACTED]. I attached the same documents as my [REDACTED] email and additional documents including a completed proctor request form.

On [REDACTED] the CAO replied restating his attempts to contact by phone and email and alleged my lack of response. He stated that the school's past policy permitted [REDACTED] but the policy changed on [REDACTED]. He claimed ALU sent me notification on [REDACTED]. He further stated that there was not communication from me about alternative options, except for an email on [REDACTED] which was after the policy change.

The CAO stated that my [REDACTED] did not apply to academic-related activities. He requested I respond to his email within 24 hours to arrange a time to discuss over the phone. I replied that I requested more time to contact him due to my studies. The CAO agreed and asked that I provide two dates for a prospective phone appointment.

On [REDACTED] I emailed the Chief Academic Officer, describing my dates of availability as [REDACTED] and [REDACTED]. On [REDACTED] the CAO agreed to an appointment on [REDACTED]. I confirmed. On [REDACTED] I emailed the CAO that my instructor was having a live session to go over key materials and requested the appointment be scheduled for [REDACTED]. The CAO agreed to the change.

On [REDACTED] I attended a telephone appointment with the CAO. I restated my position about ProctorU [REDACTED] and described that across the country students were petitioning against the privacy violations associated with online proctoring software. The CAO asserted that ProctorU did not invade student's privacy and professed its fitness. He stated that he would provide an exception if I provided documentation from a [REDACTED] stating ProctorU and the like [REDACTED].

He asked if I could provide a letter [REDACTED] by the end of the day or if he should make an extension request for me to take the exam later. I said if I could obtain the letter that day, I would email him. If not, I would let him know. After the phone call, I contacted my

(b)(6); (b)(7)(A); (b)(7)(C) Shortly, the CAO emailed stating that ProctorU does not put students at risk and that (b)(6); (b)(7)(A); (b)(7)(C) could be an issue later in my (b)(6); (b)(7)(A); (b)(7)(C).

He asserted that he formerly requested documentation to support my request to use a (b)(6); (b)(7)(A); (b)(7)(C). (b)(6); (b)(7)(A); (b)(7)(C) The CAO stipulated that if I did not provide the documentation that same day, I would be required to take my exam online through ProctorU. By email, I replied to the CAO that I contacted a (b)(6); (b)(7)(A); (b)(7)(C). The CAO replied stating that I would be required to take the exam through ProctorU until they receive documentation and make an exception.

On (b)(6); (b)(7)(A); (b)(7)(C) I attempted to take the final exam through ProctorU, but was barred access due to incompatible system requirements with my computer hardware. I emailed Chairman and Founder Hyung Park, asking for help to take my (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) final exam and attaching relevant documents of my attempts. On (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) I called Chairman Park and left a voicemail.

On (b)(6); (b)(7)(A); (b)(7)(C) I forwarded my email to Chairman Park to the Proctor Team, who forwarded it to the CAO and the current President of ALU Leslie Gargiulo. On the same day, Chairman Park called and I discussed my concerns with respect to being bullied and discriminated against by ALU staff. Chairman Park stated he retired and had no authority to intervene, but said he would contact the Chief Academic Officer and the current President Gargiulo for any possible resolution.

Later, I received an email from President Gargiulo informing me of her decision not to allow me to take my (b)(6); (b)(7)(A); (b)(7)(C) final exam. She had five key reasons:

- (1) My ADA accommodations request lack documentation to support it and was thus denied;
- (2) The CAO requested documentation to support my (b)(6); (b)(7)(A); (b)(7)(C) request due to my (b)(6); (b)(7)(A); (b)(7)(C) on three emails dated (b)(6); (b)(7)(A); (b)(7)(C)
- (3) The CAO offered to allow me to take a late exam, but I indicated I would provide documentation by the end of the day. He said I would be expected to take the exam via ProctorU and I did not respond to his statement;
- (4) Students are required to meet minimum technology requirements per the ALU catalog; and
- (5) Students using federal student aid are encouraged to use the funds to support their education, including securing needed technology.

GRIEVANCE COMPLAINT

There are four key issues in this Title IX grievance complaint:

1. Abraham Lincoln University's policy (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Since (b)(6); (b)(7)(A); (b)(7)(C) ALU was put on notice that (b)(6); (b)(7)(A); (b)(7)(C) However, they made no further comment. ALU waited until I was in the middle of my (b)(6); (b)(7)(A); (b)(7)(C) academic year to change their testing policies. I was already enrolled in (b)(6); (b)(7)(A); (b)(7)(C) by the time of their alleged (b)(6); (b)(7)(A); (b)(7)(C) notice. ALU's (b)(6); (b)(7)(A); (b)(7)(C) program is (b)(6); (b)(7)(A); (b)(7)(C) meaning that (b)(6); (b)(7)(A); (b)(7)(C) Students do not (b)(6); (b)(7)(A); (b)(7)(C) the next year. ALU's notice was meaningless and threatening. If students didn't agree, they'd have to withdraw from their entire educational program. Knowing my religious

beliefs in advance, ALU had the opportunity to appreciate the impact their new policy would have on me.

2. Until (b)(6); (b)(7)(A); (b)(7)(C) Chief Academic Officer Robert Abel never explicitly told me I could provide documentation supporting my assertion that (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) All his email correspondences were vague and only referred to the American Disability Act (ADA) accommodation procedures. Religion does not fall within the scope of the American Disabilities Act.
3. Until (b)(6); (b)(7)(A); (b)(7)(C) Chief Academic Officer Robert Abel never offered me a late exam administration. During the (b)(6); (b)(7)(A); (b)(7)(C) telephone appointment, I never rejected his offer for a late exam. I said would try to obtain the supporting documentation by the end of the day, but if I could not, I would inform him. I did inform him that I contacted a (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) but I did not obtain the required documentation as of yet. As far as I knew, the Chief Academic Officer was going to permit me to take a late exam.
4. It cannot be assumed that students with financial aid can afford to purchase up-to-date computer hardware after living expenses. Currently, the entire global economy is struggling. President Leslie's narrow analysis was an abuse of discretion to justify ALU's discrimination against my religion.

As a student who (b)(6); (b)(7)(A); (b)(7)(C) at Abraham Lincoln University and as a graduate student who already dutifully earned her bachelor's degree at an accredited college, President Leslie Gargiulo and other authorized ALU staff had the opportunity to allow a student to take her exam, but they didn't.

DEMAND FOR RELIEF

I request to take my (b)(6); (b)(7)(A); (b)(7)(C) final exam without violating my right to freely exercise my religion.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)



Is UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200, ROOM 1545
SAN FRANCISCO, CA 94102

January 22, 2024

President Leslie Gargiulo
Chairman Yung Park
Abraham Lincoln University
3000 South Robertson Boulevard
Los Angeles, CA 90034

By email only to: lgargiulo@alu.edu and hpark@alu.edu

Re: Abraham Lincoln University – OCR Case Number 09-21-2159

Dear President Gargiulo and Chairman Park:

On March 19, 2021, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Abraham Lincoln University (the University). The Complainant, (b)(6); (b)(7)(A); (b)(7)(C) alleges discrimination on the basis of race, color, and national origin/shared ancestry.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin under any program or activity receiving Federal financial assistance. The University receives funds from the Department and is therefore subject to Title VI and its implementing regulations.

OCR is opening the following legal issues for investigation:

1. Whether the University's use of the (b)(6); (b)(7)(A); (b)(7)(C) discriminates on the bases of national origin (including (b)(6); (b)(7)(A); (b)(7)(C)), race, and color in violation of Title VI because this (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) and
2. Whether the University discriminated against the Complainant based on national origin (b)(6); (b)(7)(A); (b)(7)(C) race, and color in violation of Title VI by grading the Complainant more harshly and refusing to allow a professor to write the Complainant a

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

