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Religious Exemption Accountability Project
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of)
themselves and all others similarly situated,)
)
) Plaintiffs,)
)
) v.)
)
)
) U.S. DEPARTMENT OF EDUCATION and)
) Suzanne GOLDBERG, in her official capacity as)
) Acting Assistant Secretary for Civil Rights,)
) U.S. Department of Education,)
)
)
) Defendants.)

Case No. 6:21-cv-00474-AA
**DECLARATION OF LAUREN
SWAIN**

I, Lauren Swain, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I work for the Religious Exemption Accountability Project (REAP) as a paralegal and administrative assistant.
3. I submitted Title IX complaints with the Office for Civil Rights (OCR) of the U.S. Department of Education on behalf of 35 Plaintiffs in this case, with the first submitted on June 23 and the last submitted August 2 of 2021.
4. To date, OCR regional offices have acknowledged receipt of 23 of the 35 complaints, with 12 complaints not yet acknowledged by OCR regional offices.

5. There are significant differences in the way that each OCR regional office responds to complaints, including, but not limited to, 1) which documents, if any, accompany their response emails, 2) whether or not they request an interview, and 3) whether or not the complainant is included in the initial interview request.
6. OCR Regional offices have requested interviews regarding 7 of the complaints. Two offices requested interviews with the complainants themselves.
7. On August 5, OCR-Kansas City attorney Sophia Bond emailed me requesting a phone interview with me alone regarding the complaint submitted by Plaintiff Saren Craig against College of the Ozarks, and scheduled the interview for August 10. On August 9, Ms. Bond sent an email canceling the phone interview, with no reason given or attempt to reschedule. To date, Ms. Bond has not responded to my email on August 11 requesting an explanation for the cancelation and a time frame for rescheduling the meeting. *See Exhibit A.*
8. On August 6, OCR-Chicago attorney Camille Lee emailed me requesting a phone interview with Plaintiff Louis James between August 9 and 13, regarding his complaint against Indiana Wesleyan University. After I provided our availability, she withdrew the meeting request with no reason given. To date, Ms. Lee has not responded to my email on August 11 requesting an explanation for the cancelation and a time frame for rescheduling the meeting. *See Exhibit B.*
9. On August 10, Krenice Ramsey at OCR-Chicago emailed me requesting a phone interview with me on August 12 or 13 or another date, regarding claims made by Plaintiffs Lauren Hoekstra and Avery Bonestroo against Dordt University. After I provided our availability for August 13, Ms. Ramsey withdrew the request on August 11 with no reason given. To date, Ms. Ramsey has not responded to my email on August 11 requesting an explanation for the cancelation and a time frame for rescheduling the meeting. *See Exhibit C.*
10. Exhibit D is communications from OCR-Atlanta attorney Sairalina Montesino requesting and scheduling an interview with Plaintiff Alex Duron regarding his complaint against Union University. This interview was conducted with Mr. Duron, attorney Paul Southwick, and me on August 11.
11. Exhibit E is communications from DeShawn Jones at OCR-Philadelphia requesting and scheduling an interview regarding Plaintiff Gary Campbell's complaint against Clarks Summit University. This interview was conducted with attorney Paul Southwick and me on August 11.
12. Exhibit F is communications from OCR-Chicago attorney Camille Lee, including requesting and scheduling two interviews with Plaintiff Mortimar Halligan regarding their complaint against Indiana Wesleyan University. These interviews were conducted with M. Halligan, attorney Paul Southwick, and me on July 2, and then with M. Halligan, policy fellow Josiah Robinson, and me on July 22, 2021.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 17th day of August, 2021.

By: s/ Lauren Swain

Lauren Swain

Re: OCR 07212131, College of the Ozarks- Schedule Phone Interview

Lauren Swain <lauren@paulsouthwick.com>

Wed 8/11/2021 3:36 PM

To: Bond, Sophia <Sophia.Bond@ed.gov>

Thanks again for the update, Sophia. We'll look forward to hearing from you again.

Please explain why your request for an interview was rescinded and within what time frame we are likely to receive a new request.

Best,
Lauren

Lauren Swain
Administrative Assistant/Paralegal REAP
Paul Southwick Law, LLC
lauren@paulsouthwick.com
(303) 887-5951



From: Bond, Sophia <Sophia.Bond@ed.gov>

Sent: Monday, August 9, 2021 1:06 PM

To: Lauren Swain <lauren@paulsouthwick.com>

Cc: Burke, Bradley <Bradley.Burke@ed.gov>; Mattson, Timothy <Timothy.Mattson@ed.gov>; Lynch, Kimberly <Kimberly.Lynch@ed.gov>

Subject: RE: OCR 07212131, College of the Ozarks- Schedule Phone Interview

Ms. Swain,

At this time I am canceling our phone interview set for tomorrow August 10, 2021. OCR will make contact with you at a later date regarding your complaint.

Thank you.

Sophia Bond
Attorney
U.S. Department of Education
Office for Civil Rights
1010 Walnut Street, Suite 320
Kansas City, Missouri 64106
(816) 268-0418
Sophia.Bond@ed.gov



Re: OCR 07212131, College of the Ozarks- Schedule Phone Interview

Lauren Swain <lauren@paulsouthwick.com>

Mon 8/9/2021 1:20 PM

To: Bond, Sophia <Sophia.Bond@ed.gov>

Cc: Burke, Bradley <Bradley.Burke@ed.gov>; Mattson, Timothy <Timothy.Mattson@ed.gov>; Lynch, Kimberly <Kimberly.Lynch@ed.gov>

Acknowledged.

From: Bond, Sophia <Sophia.Bond@ed.gov>

Sent: Monday, August 9, 2021 1:06 PM

To: Lauren Swain <lauren@paulsouthwick.com>

Cc: Burke, Bradley <Bradley.Burke@ed.gov>; Mattson, Timothy <Timothy.Mattson@ed.gov>; Lynch, Kimberly <Kimberly.Lynch@ed.gov>

Subject: RE: OCR 07212131, College of the Ozarks- Schedule Phone Interview

Ms. Swain,

At this time I am canceling our phone interview set for tomorrow August 10, 2021. OCR will make contact with you at a later date regarding your complaint.

Thank you.

Sophia Bond

Attorney

U.S. Department of Education

Office for Civil Rights

1010 Walnut Street, Suite 320

Kansas City, Missouri 64106

(816) 268-0418

Sophia.Bond@ed.gov



REGION VII – ARKANSAS, KANSAS, MISSOURI, NEBRASKA, OKLAHOMA, SOUTH DAKOTA

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From: Lauren Swain <lauren@paulsouthwick.com>

Sent: Thursday, August 5, 2021 3:56 PM

To: Bond, Sophia <Sophia.Bond@ed.gov>

Subject: Re: OCR 07212131, College of the Ozarks- Schedule Phone Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Ms. Bond. Much appreciated.

-Lauren

From: Bond, Sophia <Sophia.Bond@ed.gov>
Sent: Thursday, August 5, 2021 2:54 PM
To: Lauren Swain <lauren@paulsouthwick.com>
Subject: RE: OCR 07212131, College of the Ozarks- Schedule Phone Interview

Ms. Swain,

Great. I will call you on Tuesday August 10, 2021 at 11:00 (CST) for interview.

Thank you.

Sophia Bond
Attorney
U.S. Department of Education
Office for Civil Rights
1010 Walnut Street, Suite 320
Kansas City, Missouri 64106
(816) 268-0418
Sophia.Bond@ed.gov



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From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Thursday, August 5, 2021 3:52 PM
To: Bond, Sophia <Sophia.Bond@ed.gov>
Subject: Re: OCR 07212131, College of the Ozarks- Schedule Phone Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Sophia.

I am available at 11am CST on Tuesday, August 10.
You called the correct phone #: 303-887-5951.

EXHIBIT A

Best,
Lauren

Lauren Swain
Administrative Assistant/Paralegal REAP
Paul Southwick Law, LLC
lauren@paulsouthwick.com
(303) 887-5951



From: Bond, Sophia <Sophia.Bond@ed.gov>
Sent: Thursday, August 5, 2021 2:44 PM
To: Lauren Swain <lauren@paulsouthwick.com>
Subject: OCR 07212131, College of the Ozarks- Schedule Phone Interview

Ms. Swain,

Per our conversation today, I would like to schedule a phone interview with you to get additional details regarding your OCR complaint number 07212131. Are you available for a phone interview on Monday, August 9, 2021 at 11:00 a.m. (CST) or Tuesday August 10, 2021 at 11:00 am (CST)? If you are not available either of those dates/times, please provide another date/time that best works with your schedule. Additionally, please provide an updated phone number for me to call.

Thank you for your attention, assistance, and patience on this matter.

Sophia Bond

Attorney
U.S. Department of Education
Office for Civil Rights
1010 Walnut Street, Suite 320
Kansas City, Missouri 64106
(816) 268-0418
Sophia.Bond@ed.gov



REGION VII – ARKANSAS, KANSAS, MISSOURI, NEBRASKA, OKLAHOMA, SOUTH DAKOTA

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Re: OCR

Lauren Swain <lauren@paulsouthwick.com>

Wed 8/11/2021 3:35 PM

To: Lee, Camille <camille.lee@ed.gov>

Thanks for the update, Camille. We'll look forward to hearing from you again.

Please explain why your request for an interview was rescinded and within what time frame we are likely to receive a new request.

Best,
Lauren

Lauren Swain
Administrative Assistant/Paralegal REAP
Paul Southwick Law, LLC
lauren@paulsouthwick.com
(303) 887-5951



From: Lee, Camille <camille.lee@ed.gov>
Sent: Tuesday, August 10, 2021 11:00 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR

Yes, not this week.

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Tuesday, August 10, 2021 11:58:52 AM
To: Lee, Camille <camille.lee@ed.gov>
Cc: Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Camille. Does that mean you will not be interviewing Louis this week?

From: Lee, Camille <camille.lee@ed.gov>
Sent: Tuesday, August 10, 2021 10:56 AM
To: Lauren Swain <lauren@paulsouthwick.com>

Cc: Paul Southwick <paul@paulsouthwick.com>

Subject: RE: OCR

Hi Lauren, I will get back to you at a later date regarding this interview.

Thanks
Camille

From: Lauren Swain <lauren@paulsouthwick.com>

Sent: Tuesday, August 10, 2021 11:26 AM

To: Lee, Camille <camille.lee@ed.gov>

Cc: Paul Southwick <paul@paulsouthwick.com>

Subject: Re: OCR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Camille,

Our client Louis James is available at 10am Central Time this Thursday. Would that work for you? If not, he has more availability next week and I'll get you more times.

If it works, please send Paul Southwick and I the meeting info and we'll share it with Louis.

Thank you,

Lauren

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Lauren Swain <lauren@paulsouthwick.com>

Sent: Friday, August 6, 2021 10:54 AM

To: Lee, Camille <camille.lee@ed.gov>

Subject: Re: OCR

Hi Camille,

Thanks for connecting with us on this. I'll check with Louis and get back to you with our availability soon.

The complaint is attached.

Hope you have a good weekend as well.

Best,
Lauren

From: Lee, Camille <camille.lee@ed.gov>
Sent: Friday, August 6, 2021 8:41 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Subject: OCR

Hi Lauren, I wanted to schedule a time to talk with James Louis next week, if you are available. Let me know of your availability and I will send a meeting invite. Also, can you please forward a copy of the complaint that was filed in the US District Court of Oregon? Thanks, have a good weekend

Camille

Camille D. Lee
Civil Rights Attorney
U.S. Department of Education
Office for Civil Rights
Chicago Regional Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
T (312)-730-1709
F (312)-730-1576
E Camille.lee@ed.gov



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

August 2, 2021

Ms. Lauren Swain
Sent via email to lauren@paulsouthwick.com

Re: OCR Docket #05-21-2266

Dear Ms. Swain:

The U.S. Department of Education, Office for Civil Rights (OCR), is evaluating your complaint, which was received by our office on July 30, 2021, to determine whether OCR has authority to investigate the allegations in your complaint. You may expect to receive additional information from us soon about your complaint.

Please read the enclosed document entitled "OCR Complaint Processing Procedures" for information about:

- OCR's complaint processing procedures;
- the laws that we enforce;
- protections against intimidation and retaliation for participating in an OCR investigation;
- what to do if you disagree with a determination by OCR to close your complaint; and
- the Freedom of Information Act and the Privacy Act.

If you have any questions about this letter or need further assistance, please contact Camille Lee, OCR attorney, at 312-730-1709 or by email at Camille.Lee@ed.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Turnbull".

Jeffrey Turnbull
Team Leader

Enclosure

U.S. Department of Education
Office for Civil Rights (OCR)
COMPLAINT PROCESSING PROCEDURES¹

LAWS ENFORCED BY OCR

OCR enforces the following laws:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- Age Discrimination Act of 1975, which prohibits discrimination on the basis of age;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability;
- Boy Scouts of America Equal Access Act, which prohibits denial of access to or other discrimination against the Boy Scouts or other Title 36 U.S.C. youth groups in public elementary schools, public secondary schools, local education agencies, and state education agencies that have a designated open forum or limited public forum.

EVALUATION

OCR evaluates the written information that it receives to determine whether it constitutes a complaint that is subject to further processing. If so, OCR determines whether it can investigate the complaint. OCR makes this determination with respect to each allegation in the complaint. For example, OCR must determine whether OCR has legal authority to investigate the complaint; that is, whether the complaint alleges a violation of one or more of the laws OCR enforces. OCR must also determine whether the complaint is filed on time. Generally, a complaint must be filed with OCR within 180 calendar days of the date of the alleged discrimination.² If the complaint is not filed on time, the complainant should provide the reason for the delay and request a waiver of this filing requirement. OCR will decide whether to grant the waiver. In addition, OCR will determine whether the complaint contains enough information about the alleged discrimination to proceed to investigation. If OCR needs more information in order to clarify the complaint, it will contact the complainant; and the complainant has 14 calendar days within which to respond to OCR's request for information unless the complainant has requested additional time to provide the information.

Some of the reasons for OCR's dismissal of a complaint include:

- OCR does not have legal authority to investigate the complaint;
- The complaint fails to state a violation of one of the laws OCR enforces;
- The complaint was not filed timely (within 180 calendar days of the date of the alleged discrimination) and a waiver of the timeliness requirement was not granted;

¹ These procedures are a summary of OCR's Case Processing Manual (CPM); the CPM contains more detailed explanations of OCR's procedures.

² Complaints that allege discrimination based on age are timely if filed with OCR within 180 calendar days of the date the complainant first knew about the alleged discrimination.

Updated November 2018

- The complaint is speculative, conclusory, or incoherent, or lacks sufficient detail to infer discrimination and the complainant does not provide the information that OCR requests within 14 calendar days of OCR's request, unless the complainant requests additional time to provide the requested information;
- The allegations raised by the complaint have been resolved and are therefore no longer appropriate for investigation;
- The complaint has been investigated by another Federal, state, or local civil rights agency or through a recipient's internal grievance procedures, including due process proceedings, and there was a comparable resolution process pursuant to legal standards that are acceptable to OCR or, if still pending, OCR anticipates that there will be a comparable resolution process pursuant to legal standards that are acceptable to OCR. OCR will advise the complainant that he or she may re-file within 60 days of the completion of the other entity's action;
- The same or similar allegations based on the same operative facts have been filed by the complainant against the same recipient in state or Federal court. OCR will advise the complainant that he or she may re-file within 60 days of the termination of the court proceeding if there has been no decision on the merits of the case or settlement of the court complaint;

OPENING THE COMPLAINT FOR INVESTIGATION

If OCR determines that it will investigate the complaint, it will issue letters of notification to the complainant and the recipient. Opening a complaint for investigation in no way implies that OCR has made a determination with regard to the merits of the complaint. During the investigation, OCR is a neutral fact-finder. OCR will collect and analyze relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that the actions it takes in investigations are legally sufficient, supported by evidence, and dispositive of the allegations raised in the complaint.

INVESTIGATION OF THE COMPLAINT

OCR may use a variety of fact-finding techniques in its investigation of a complaint. These techniques may include reviewing documentary evidence submitted by both parties, conducting interviews with the complainant, recipient's personnel, and other witnesses, and/or site visits. At the conclusion of its investigation, OCR will determine, with regard to each allegation, whether:

- There is insufficient evidence to support a conclusion that the recipient failed to comply with the law, or
- A preponderance of the evidence supports a conclusion that the recipient failed to comply with the law.

OCR's determination will be explained in a Letter of Findings sent to the complainant and recipient. 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.

RESOLUTION OF THE COMPLAINT UPON A DETERMINATION OF NONCOMPLIANCE

If OCR determines that a recipient failed to comply with the civil rights law(s) that OCR enforces, OCR will contact the recipient and will attempt to secure the recipient's willingness to negotiate a voluntary resolution agreement. If the recipient agrees to resolve the complaint, the recipient will negotiate and sign a written resolution agreement that describes the specific remedial actions that the recipient will undertake to address the area(s) of noncompliance identified by OCR. The terms and obligations of the resolution agreement, if fully performed, will remedy the identified violation(s) in compliance with applicable civil rights law(s). OCR will monitor the recipient's implementation of the terms and obligations of the resolution agreement to verify that the remedial actions agreed to by the recipient are being properly implemented .

If the recipient does not agree to correct its noncompliance with the civil rights law(s) by entering into a resolution agreement, OCR may initiate proceedings to suspend, terminate, or refuse to grant or continue Federal financial assistance to the recipient, or may refer the case to the Department of Justice.

RESOLUTION OF THE COMPLAINT PRIOR TO THE CONCLUSION OF THE INVESTIGATION

Facilitated Resolution Between the Parties :

Facilitated Resolution Between the Parties (FRBP) allows the parties (the complainant and the recipient which is the subject of the complaint) an opportunity to resolve the complaint allegations quickly; generally, soon after the complaint has been opened for investigation. If both parties are willing to try this approach, and if OCR determines that FRBP is appropriate, OCR will facilitate settlement discussions between the parties and work with the parties to help them understand the legal standards and possible remedies. Staff assigned by OCR to conduct FRBP will not be the staff assigned to the investigation of the complaint.

OCR does not approve, sign or endorse any agreement reached between the parties as a result of FRBP, and OCR does not monitor the agreement. However, if the recipient does not comply with the terms of the agreement, the complainant may file another complaint with OCR within 180 days of the date of the original discrimination or within 60 days of the date the complainant learns of the failure to comply with the agreement, whichever date is later.

Resolution Agreement Reached During an Investigation

A complaint may also be resolved before the conclusion of an investigation, if the recipient expresses an interest in resolving the complaint **and** OCR determines that it is appropriate to resolve the complaint because OCR's investigation has identified issues that can be addressed through a resolution agreement. The provisions of the resolution agreement must be tied to the allegations and the evidence obtained during the investigation, and will be consistent with applicable regulations. OCR will inform the recipient that this resolution process is voluntary before proceeding to resolution under this section, and will notify the complainant of the recipient's interest in resolution. OCR will monitor a resolution agreement reached with the recipient before the conclusion of an investigation . After the recipient signs the resolution agreement, OCR will issue a Resolution Letter, which will address all allegations in the case resolved pursuant to CPM Section 302.

Appeal

OCR affords complainants an opportunity to appeal a determination(s) based on a finding of noncompliance (Section 303(a) of OCR's CPM) and dismissals based on Sections 108(a), (b), (c), (d), (h), and (i) of OCR's CPM. An appeal can be filed electronically, by mail, or fax. The complainant must either submit electronically a completed appeal form or submit a written statement of no more than ten (10) pages (double-spaced, if typed) to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202; if submitted by e-mail, to OCR@ed.gov; if submitted by fax, to 202-453-6012. The filing date of an appeal submitted by mail is the date the appeal is postmarked or submitted electronically or by fax.

In the appeal, the complainant must explain why he or she believes the factual information was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal.

An appeal must be submitted within 60 calendar days of the date indicated on the letter of finding or the dismissal. A waiver of the 60-day timeframe may be granted where the complainant was unable to submit the appeal within the 60-day timeframe because of illness or other circumstances, or because of circumstances generated by OCR's action that have adversely affected the complainant's ability to submit the appeal timely.

OCR will forward a copy of the complainant's appeal to the recipient. The recipient has the option to submit to OCR a response to complainant's appeal. Any response to complainant's appeal must be submitted to OCR within 14 calendar days of the date that OCR forwarded a copy of the complainant's appeal to the recipient.

OCR will issue a written decision on the appeal to the parties.

ADDITIONAL INFORMATION

Right to File a Separate Court Action

The complainant may have the right to file suit in Federal court, regardless of OCR's findings. OCR does not represent the complainant in case processing, so if the complainant wishes to file a court action, he or she must do so through his or her own attorney or on his or her own through the court's pro se clerk's office.

If a complainant alleges discrimination prohibited by the Age Discrimination Act of 1975, a civil action in Federal court can be filed only after the complainant has exhausted administrative remedies. Administrative remedies are exhausted when either of the following has occurred:

- 1) 180 days have elapsed since the complainant filed the complaint with OCR and OCR has made no findings; or
- 2) OCR issues a finding in favor of the recipient. If this occurs, OCR will promptly notify the complainant and will provide additional information about the right to file for injunctive relief.

Prohibition against Intimidation or Retaliation

A recipient under the jurisdiction of the Department of Education may not intimidate, threaten, coerce, or retaliate against anyone who asserts a right protected by the civil rights laws that OCR enforces, or who cooperates in an investigation. Anyone who believes that he or she has been intimidated or retaliated against should file a complaint with OCR.

Investigatory Use of Personal Information

In order to investigate a complaint, OCR may need to collect and analyze personal information such as student records or employment records.

The Privacy Act of 1974, 5 U.S.C. § 552a (Privacy Act), Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and the Freedom of Information Act (FOIA), 5 U.S.C. §552, govern the use of personal information that is submitted to all Federal agencies and their individual components, including OCR. The Privacy Act protects individuals from the misuse of personal information held by the Federal government. It applies to records that are maintained by the Federal government and that are retrieved from a system of records by the individual's name, social security number, or other personal identifier. It regulates the collection, maintenance, use and dissemination of personal information in records contained in systems of records of Federal government.

The information that OCR collects is analyzed by authorized personnel within the agency and will be used by OCR only for authorized civil rights compliance and enforcement activities. However, in order to investigate or resolve a complaint, OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such details could include, for example, the name, age, or physical condition of the person who is the alleged subject of discrimination. Also, OCR may be required to reveal information requested under FOIA, which gives the public the right of access to records of Federal agencies. Disclosure will only be made as consistent with the Privacy Act, FERPA, and FOIA.

However, OCR can release certain information about your complaint to the press or general public, including the name of the recipient; the date your complaint was filed; the type of discrimination included in the complaint; the date the complaint was resolved, dismissed or closed; the basic reasons for OCR's decision; or other related information. Any information OCR releases to the press or general public will not include the complainant's name or the name of the person on whose behalf the complaint was filed.

FOIA gives the public the right of access to records of Federal agencies. Individuals may obtain items from many categories of records of the Federal government, not just materials that apply to them personally. OCR must honor requests for records under FOIA, with some exceptions. If records are covered by the Privacy Act they must be required to be released under FOIA. Generally, OCR is not required to release records during the case evaluation and investigation process or enforcement proceedings, if the release could reasonably be expected to interfere with or affect the ability of OCR to do its job. 5 U.S.C. § 552(b)(7)(A). Also, a federal agency is not required to release records if they are pre-decisional documents that would be subject to certain privileges in litigation. See 5 U.S.C. § 552(b)(5). A Federal agency may refuse a request for records if their release would or could reasonably be expected to result in an unwarranted invasion of privacy of an individual. 5 U.S.C. §

6 | Page U.S. Department of Education, Office for Civil Rights Complaint Processing Procedures

552(b)(6) and (7)(C), such as medical records, which may be denied where disclosure would be a clearly unwarranted invasion of privacy.

Re: Your Complaints Against Dordt University --OCR Docket #05-21-2268 and #05-21-2269

Lauren Swain <lauren@paulsouthwick.com>

Wed 8/11/2021 1:00 PM

To: Ramsey, Krenice <Krenice.Ramsey@ed.gov>

Thank you very much for updating us, Krenice. We look forward to hearing from you again.

Please explain why your request for an interview was rescinded and within what time frame we are likely to receive a new request.

Best,
Lauren

Lauren Swain
Administrative Assistant/Paralegal REAP
Paul Southwick Law, LLC
lauren@paulsouthwick.com
(303) 887-5951



From: Ramsey, Krenice <Krenice.Ramsey@ed.gov>
Sent: Wednesday, August 11, 2021 9:56 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Frazer, Jason <Jason.Frazer@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: RE: Your Complaints Against Dordt University --OCR Docket #05-21-2268 and #05-21-2269

Lauren,

Thanks for your response. I apologize for any inconvenience but we will need to reschedule this meeting. We will be in touch regarding new dates and times.

Best,
Krenice

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Tuesday, August 10, 2021 4:48 PM
To: Ramsey, Krenice <Krenice.Ramsey@ed.gov>
Cc: Frazer, Jason <Jason.Frazer@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: Re: Your Complaints Against Dordt University --OCR Docket #05-21-2268 and #05-21-2269

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Krenice. We are available at 12:30 Central Time on Friday. Please include our attorney, Paul Southwick (cc'd) when sending the meeting information.

Best,
Lauren

EXHIBIT C

1

Lauren Swain
Administrative Assistant/Paralegal REAP
Paul Southwick Law, LLC
lauren@paulsouthwick.com
(303) 887-5951



From: Ramsey, Krenice <Krenice.Ramsey@ed.gov>
Sent: Tuesday, August 10, 2021 8:10 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Frazer, Jason <Jason.Frazer@ed.gov>
Subject: Your Complaints Against Dordt University --OCR Docket #05-21-2268 and #05-21-2269

Ms. Swain,

The U.S. Department of Education, Office for Civil Rights (OCR) is in receipt of the complaints you filed against Dordt University, which we received on July 28, 2021. We have had the opportunity to review your complaints and would like to schedule a time to speak with you by phone to get additional information.

We have availability Thursday, 8/12 from 9:00-11:30am and 12:30-3:00pm or Friday, 8/13 from 9:00-11:30am and 12:30-1:30pm. Please advise if a 30-60 minute window works for you during these dates and times. If not, please suggest 2-3 dates and times that you are available. We can call you at the telephone number you listed on your complaint (303-887-5951) or you can direct me to another preferred telephone number.

Thank you and we look forward to speaking with you.

Krenice Ramsey
U.S. Department of Education
Office for Civil Rights
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th floor
Chicago, IL 60604
Direct: (312) 730-1730
Email: Krenice.Ramsey@ed.gov
Pronouns: she/her/hers

Re: OCR Interview 04-21-2294_Alex Duron

Lauren Swain <lauren@paulsouthwick.com>

Tue 8/10/2021 8:34 AM

To: Montesino, Sairalina <SAIRALINA.MONTESINO@ed.gov>; Paul Southwick <paul@paulsouthwick.com>

Thank you, Sairalina.

We look forward to speaking with you.

-Lauren

From: Montesino, Sairalina <SAIRALINA.MONTESINO@ed.gov>

Sent: Tuesday, August 10, 2021 8:31 AM

To: Paul Southwick <paul@paulsouthwick.com>

Cc: Lauren Swain <lauren@paulsouthwick.com>

Subject: OCR Interview 04-21-2294_Alex Duron

Good morning:

Please find below the link to join our meeting scheduled for tomorrow. There is also a dial-in number provided for your convenience.

Best Regards,

Sairalina Montesino
OCR Attorney
Department of Education
Office for Civil Rights
61 Forsyth St., Suite 19T10
Atlanta, GA 30303
sairalina.montesino@ed.gov
Tel: 404.974.9448
Fax: 404.974.9471

From: Montesino, Sairalina <SAIRALINA.MONTESINO@ed.gov>

Sent: Thursday, August 5, 2021 8:41 AM

To: Lauren Swain <lauren@paulsouthwick.com>; [REDACTED]>

Subject: OCR Interview 04-21-2294_Alex Duron

When: Wednesday, August 11, 2021 10:00 AM-10:30 AM.

Where: Microsoft Teams Meeting

Good morning,

I'm resending the calendar invite to clarify the meeting is scheduled for 12pm Eastern / 9am Pacific me.

Best regards,
EXHIBIT D

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 202-991-0393](#), [987846053#](#) United States, Washington DC

Phone Conference ID: 987 846 053#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Re: Clarification Interview - 04-21-2294

Lauren Swain <lauren@paulsouthwick.com>

Tue 8/3/2021 6:38 PM

To: Montesino, Sairalina <SAIRALINA.MONTESINO@ed.gov>

Alex and I are available on Wednesday, August 11 starting at noon Eastern Time.

Thank you,
Lauren

From: Montesino, Sairalina <SAIRALINA.MONTESINO@ed.gov>**Sent:** Tuesday, August 3, 2021 3:31 PM**To:** Lauren Swain <lauren@paulsouthwick.com>**Subject:** RE: Clarification Interview - 04-21-2294

Ms. Swain:

Thank you for your prompt response. The Complainant is Alex Duron. Also, just as an FYI, I'll be on vacation 8/18-8/28 and would like to schedule it for some time prior to that, if possible.

Thanks,

Sairalina Montesino
OCR Attorney
Department of Education
Office for Civil Rights
61 Forsyth St., Suite 19T10
Atlanta, GA 30303
sairalina.montesino@ed.gov
Tel: 404.974.9448
Fax: 404.974.9471

From: Lauren Swain <lauren@paulsouthwick.com>**Sent:** Tuesday, August 3, 2021 5:25 PM**To:** Montesino, Sairalina <SAIRALINA.MONTESINO@ed.gov>**Subject:** Re: Clarification Interview - 04-21-2294**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Thank you for your inquiry, Ms. Montesino. 5 of our clients have filed Title IX complaints that have been forwarded to the Atlanta office, but, to my knowledge, no case numbers have been assigned as of this writing.

Can you tell me the name of the complainant you are referring to in this email?

Thanks very much for your assistance,

Lauren

EXHIBIT D

3

Lauren Swain
Administrative Assistant/Paralegal REAP
Paul Southwick Law, LLC
lauren@paulsouthwick.com
(303) 887-5951



From: Montesino, Sairalina <SAIRALINA.MONTESINO@ed.gov>
Sent: Tuesday, August 3, 2021 3:11 PM
To: Lauren Swain <lauren@paulsouthwick.com>
Subject: Clarifica on Interview - 04-21-2294

Good afternoon Ms. Swain:

I have been assigned to investigate the above-referenced complaint. As part of the evaluation process, OCR conducts interviews with Complainants in order to clarify the allegations and gather information required to determine if we have jurisdiction to open this Complaint for investigation.

Please let me know your availability next week and I will make myself available at a time that works for you.

Sairalina Montesino
OCR Attorney
Department of Education
Office for Civil Rights
61 Forsyth St., Suite 19T10
Atlanta, GA 30303
sairalina.montesino@ed.gov
Tel: 404.974.9448
Fax: 404.974.9471

RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Jones, DeShawn <DeShawn.Jones@ed.gov>

Tue 8/10/2021 8:37 AM

To: Lauren Swain <lauren@paulsouthwick.com>

Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>

Sure thing Lauren; indeed I shall.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist

US Department of Education

Office for Civil Rights

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Phone: 215-656-3242

Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>

Sent: Tuesday, August 10, 2021 10:36 AM

To: Jones, DeShawn <DeShawn.Jones@ed.gov>

Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>

Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, DeShawn. Please call me Lauren as well.

Best

From: Jones, DeShawn <DeShawn.Jones@ed.gov>

Sent: Tuesday, August 10, 2021 8:32 AM

To: Lauren Swain <lauren@paulsouthwick.com>

Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>

Subject: RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Ms. Swain, I apologize for the incorrect address. I will address you as Ms. Swain from now on.

Also, the MS Teams meeting will be audio only. And you can just call me DeShawn.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist

US Department of Education

Office for Civil Rights

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Phone: 215-656-3242

EXHIBIT E

1

Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Tuesday, August 10, 2021 10:19 AM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you very much, Mr. Jones. We'll look forward to speaking with you.

Please note that I am not an Mrs. , so please call me Lauren or Ms. Swain from now on.

Kind regards,
Ms. Lauren Swain

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Jones, DeShawn <DeShawn.Jones@ed.gov>
Sent: Tuesday, August 10, 2021 8:02 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Good morning Mrs. Swain.

1:00 p.m. EST Wed Aug 11 2021 will work just fine Ma'am. I will send you the Microsoft Teams meeting invite just a few minutes.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323

EXHIBIT E

2

Phone: 215-656-3242
Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Monday, August 9, 2021 8:31 PM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To clarify, we are available at 1pm *Eastern Time* this Wed or Thu.

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Monday, August 9, 2021 6:27 PM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

Mr. Jones,

Attorney Paul Southwick, cc'd and I are available at 1:00pm this Wed. or Thu. Please kindly send us each an invitation to the call.

Thank you.

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Jones, DeShawn <DeShawn.Jones@ed.gov>
Sent: Monday, August 9, 2021 11:49 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>
Subject: RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Mrs. Swain,

Since we have some very basic questions about the complaint, we would like to speak with you initially.

If after our evaluation of your complaint we determine that we do need to speak with your client, then we will reach out to you to schedule a second call Ma'am. Also cc'd on this email is Mrs. Lucy Fowler Glass, the OCR attorney also assigned to evaluate this complaint.

Please read and sign the attached notices prior to the interview. If you cannot read them before we talk, then I will read them to you for your verbal acknowledgement and that will take an additional 15 minutes during our call.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215-656-3242
Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Monday, August 9, 2021 11:50 AM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks very much for your response, Mr. Jones and Ms. Glasson.

Please indicate whether you are requesting to speak with me alone, or to include our client, Gary Campbell, on whose behalf we have filed the complaint. Mr. Campbell may be able to provide more thorough responses.

Best,
Lauren

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Jones, DeShawn <DeShawn.Jones@ed.gov>
Sent: Monday, August 9, 2021 9:35 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>
Subject: OCR #03212192 - Clarks Summit University - Evaluation Interview

Hello Mrs. Swain.

We have received your complaint against Clarks Summit University and would like to schedule 30 minutes to speak with you to further evaluate your complaint.

What time and day this week would you be able to speak to us about your complaint Ma'am?

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215-656-3242
Fx: 215-656-8605

NOTICE ABOUT THE USES OF PERSONAL INFORMATION

There are two laws governing personal information submitted to all Federal agencies including the U.S. Department of Education, Office for Civil Rights (OCR): The Privacy Act of 1974 (5 U.S.C. Section 552a) and the Freedom of Information Act (5 U.S.C. Section 552). This brief description will provide you with an understanding of these laws. Please read this notice, sign the **Acknowledgement Form for Interviewee** and return it to OCR.

The Privacy Act protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government should know that:

- OCR has been authorized to resolve or investigate complaints of discrimination on the bases of race, color, national origin, sex, disability and age in institutions that receive Federal funds. The agency is also authorized to conduct reviews of federally funded institutions to assess their compliance with civil rights laws.
- Information that OCR collects is analyzed by authorized personnel within the Office. This information may include personnel records, academic standing, or other personal information. OCR staff may need to reveal certain information to persons outside the agency in the course of attempting resolution, verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. OCR may also be required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act.
- Information submitted to OCR may also be given to persons outside of the Office as needed in enforcement proceedings against an institution that violates civil rights laws or regulations. Such information could include the income, age, marital status or physical condition of the complainant.
- Personal information will be used by OCR only for the specific purposes for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in rare, very limited circumstances, OCR will not release the information to any other agency or individual unless the person who supplied the information submits a written consent or unless release is required under the Freedom of Information Act. (see below)
- No law requires a complainant to give personal information to OCR, and no sanctions will be imposed on persons who deny OCR's request. However, if OCR fails to obtain information needed to resolve or investigate allegations of discrimination, it may be necessary to close the complaint.

As a policy, the Office for Civil Rights does not reveal the names or the other identifying information about an individual unless it is necessary to do so in the course of attempting an early resolution, attempting other resolution strategies, completing an investigation or for enforcement activities against an institution that violates the laws. OCR never reveals to an institution the identity of the person who filed the complaint, unless the person first gives OCR written consent to do so.

The Freedom of Information Act gives the public maximum access to files and records of the Federal Government. Individuals can obtain items from many categories of records of the government – not just materials that apply to them personally. The Office for Civil Rights must honor requests under the Freedom of Information Act with some exceptions. OCR generally is not required to release documents during resolution attempts, an investigation or enforcement proceedings if the release would have an adverse effect on the ability of the Office to do its job. Also, any Federal agency may refuse a request for files or records if their release would be a “clearly unwarranted invasion of privacy” of an individual.

Signature

Date

Printed Name

NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PROTECTIONS

Complainants and interviewees who cooperate in an investigation, proceeding, or hearing conducted by the United States Department of Education, Office for Civil Rights (OCR) are afforded certain rights and protections. This brief description provides an overview of these rights and protections.

- A Recipient may not force its employees to be represented by the institution's counsel nor may it intimidate, threaten, coerce, or discriminate against any employee who refuses to reveal to the Recipient the content of an interview. An employee does, however, have the right to representation during an interview with OCR. The representative may be the Recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.
- The interviewee's right to representation does not include a general right to have other persons present during the interview. Besides the OCR investigator and/or attorney, the person being interviewed, and any needed interpreters, the only other person present during any interview should be the interviewee's personally designated representative.
- If the interviewee, other than an upper level manager, identifies the Recipient's counsel, supervisor, or manager for the Recipient as a personal representative, the interviewee should be informed that such a person may have a conflict of interest between that person's responsibilities to the Recipient, and the person's responsibilities as a personal representative.
- If the representative with responsibilities to the Recipient appears to interfere with OCR's ability to interview the interviewee or obtain requested information; the representative will be asked to leave. If the interviewee insists that the designated representative is present, and OCR has no other reason to believe that the presence of the identified representative will interfere with the gathering of information, OCR will proceed with the interview.
- The laws and regulations which govern OCR's compliance and enforcement authority provide that neither Recipient nor other persons shall intimidate, threaten, coerce, or discriminate against any individual because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under OCR's jurisdiction.
- Information obtained from the Complainant or other individuals may be exempt from disclosure to the general public under the Freedom of Information Act (FOIA) or the Privacy Act of 1974 (Privacy Act) if release of such information could constitute an unwarranted invasion of personal privacy.

ACKNOWLEDGEMENT FORM FOR INTERVIEWEE

I have read the Notice about Investigatory Uses of Personal Information and the Notice of Complainant/Interviewee Rights and Protections by the Office for Civil Rights (OCR).

I am aware that the information obtained from me in the investigation of _____ will be placed in the complaint file maintained by OCR pursuant to the investigation of this case. I understand that it is the policy of OCR to protect the identity of complainants, witnesses, and informants who cooperate with OCR's investigations. However, I acknowledge that under the Freedom of Information Act (FOIA) and the Privacy Act, OCR may be required to disclose this information.

Although no guarantee of confidentiality has been given to me in exchange for this information, I have not waived any right to privacy under FOIA that OCR may assert on my behalf.

Signature

Date

Printed Name

RE: Office for Civil Rights (OCR)

Lee, Camille <camille.lee@ed.gov>

Tue 7/20/2021 8:53 AM

To: Lauren Swain <lauren@paulsouthwick.com>

Ok, will send him an invite.

From: Lauren Swain <lauren@paulsouthwick.com>**Sent:** Monday, July 19, 2021 5:10 PM**To:** Lee, Camille <camille.lee@ed.gov>**Subject:** Re: Office for Civil Rights (OCR)**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Camille,

It turns out that Paul cannot join the meeting on Thursday, so we would to have our Legal and Policy Fellow, Josiah Robinson, to be invited in his stead.

His email is josiahr@paulsouthwick.com.

Thanks very much for your assistance.

Lauren

From: Lee, Camille <camille.lee@ed.gov>**Sent:** Monday, July 19, 2021 8:47 AM**To:** Lauren Swain <lauren@paulsouthwick.com>**Subject:** RE: Office for Civil Rights (OCR)

Thanks, just sent meeting invite for Thursday.

From: Lauren Swain <lauren@paulsouthwick.com>**Sent:** Friday, July 16, 2021 5:19 PM**To:** Lee, Camille <camille.lee@ed.gov>**Subject:** Re: Office for Civil Rights (OCR)**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mortimer and I are also available next Thursday and Friday all day, and available before 1pm CT on Tuesday and Wednesday if necessary.

Thank you,

Lauren

[Lauren Swain](#)

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Lauren Swain <lauren@paulsouthwick.com>

Sent: Friday, July 16, 2021 3:07 PM

To: Lee, Camille <camille.lee@ed.gov>

Subject: Re: Office for Civil Rights (OCR)

Thank you, Camille,

Mortimer and I are available on Monday except for 1-3pm CT. Attorney Paul Southwick also requests an invitation.

3pm CT on Monday would be optimal. If this time does not work for you, I will find out what other times work for them during the week.

Best,

Lauren

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Lee, Camille <camille.lee@ed.gov>

Sent: Monday, July 12, 2021 4:09 PM

To: Lauren Swain <lauren@paulsouthwick.com>

Subject: RE: Office for Civil Rights (OCR)

Hi Lauren, I would like to schedule a follow up interview with Mortimer to clarify a few allegations. Please let me know you and they's availability for an interview early next week. Thanks

EXHIBIT F

Camille

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Tuesday, June 29, 2021 12:07 PM
To: Lee, Camille <camille.lee@ed.gov>
Subject: Re: Office for Civil Rights (OCR)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Camille.

Mortimer Halligan's email is [REDACTED]
Paul Southwick's email is paul@paulsouthwick.com

In addition to sending them the meeting information, would you also please send each of them the Complaint Processing Procedures you initially sent to me, and the password.

Thanks again,
Lauren

From: Lee, Camille <camille.lee@ed.gov>
Sent: Tuesday, June 29, 2021 7:49 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Subject: RE: Office for Civil Rights (OCR)

Hi Lauren, let's schedule for this Friday from 1-2 pm CST. Please send me Paul and Mortimer's email addresses and I will send a virtual link for the meeting. Thanks
Camille

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Monday, June 28, 2021 6:45 PM
To: Lee, Camille <camille.lee@ed.gov>
Subject: Re: Office for Civil Rights (OCR)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Camille,

Attorney Paul Southwick, our client Mortimer Halligan, and I are available from Noon to 4pm Central Time this Thursday, July 1 and from 1pm to 2pm Central Time on Friday, July 2.

We will each need to call in separately from different locations, so please advise how to proceed accordingly.

Thank you,
Lauren

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Lee, Camille <camille.lee@ed.gov>
Sent: Monday, June 28, 2021 11:51 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Subject: RE: Office for Civil Rights (OCR)

Hi Lauren, what is you and your client's availability for a telephone interview this week?

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Thursday, June 24, 2021 6:48 PM
To: Lee, Camille <camille.lee@ed.gov>
Subject: Re: Office for Civil Rights (OCR)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lee,

Thank you for these documents. I have attached the consent form, signed by our client, Mortimer Halligan.

Best,

Lauren

From: Lee, Camille <camille.lee@ed.gov>
Sent: Thursday, June 24, 2021 8:45 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Lee, Camille <camille.lee@ed.gov>
Subject: Office for Civil Rights (OCR)

Hi Lauren, I am an attorney with OCR, assigned to evaluate your client's complaint. Enclosed please find encrypted correspondence regarding the complaint. I will send the password separately. Also, please complete the attached consent form and send it to me via email as soon as possible. The signature page of the consent you

previously signed did not come through when you filed the complaint. I will be in contact next week to schedule an evaluation interview with you and your client. Thanks and have a good day,
Camille

Camille D. Lee
Civil Rights Attorney
U.S. Department of Education
Office for Civil Rights
Chicago Regional Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
T (312)-730-1709
F (312)-730-1576
E Camille.lee@ed.gov



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

June 24, 2021

Ms. Lauren L. Swain
Sent via email to lauren@paulsouthwick.com

Re: OCR Docket #05-21-2226

Dear Ms. Swain:

The U.S. Department of Education, Office for Civil Rights (OCR), is evaluating your complaint, which was received by our office on June 24, 2021, to determine whether OCR has authority to investigate the allegations in your complaint. You may expect to receive additional information from us soon about your complaint.

Please read the enclosed document entitled “OCR Complaint Processing Procedures” for information about:

- OCR’s complaint processing procedures;
- the laws that we enforce;
- protections against intimidation and retaliation for participating in an OCR investigation;
- what to do if you disagree with a determination by OCR to close your complaint; and
- the Freedom of Information Act and the Privacy Act.

We are also enclosing a consent form with this letter. Please have the individual on whose behalf the complaint is filed sign and return the signed form to us via email as soon as possible. If we do not receive the form within 20 calendar days of the date of this letter, we will close your complaint.

If you have any questions about this letter or need further assistance, please contact Camille Lee, OCR attorney, at 312-730-1709 or by email at Camille.Lee@ed.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Turnbull".

Jeffrey Turnbull
Team Leader

Enclosures

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

U.S. Department of Education
Office for Civil Rights (OCR)
COMPLAINT PROCESSING PROCEDURES¹

LAWS ENFORCED BY OCR

OCR enforces the following laws:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- Age Discrimination Act of 1975, which prohibits discrimination on the basis of age;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability;
- Boy Scouts of America Equal Access Act, which prohibits denial of access to or other discrimination against the Boy Scouts or other Title 36 U.S.C. youth groups in public elementary schools, public secondary schools, local education agencies, and state education agencies that have a designated open forum or limited public forum.

EVALUATION

OCR evaluates the written information that it receives to determine whether it constitutes a complaint that is subject to further processing. If so, OCR determines whether it can investigate the complaint. OCR makes this determination with respect to each allegation in the complaint. For example, OCR must determine whether OCR has legal authority to investigate the complaint; that is, whether the complaint alleges a violation of one or more of the laws OCR enforces. OCR must also determine whether the complaint is filed on time. Generally, a complaint must be filed with OCR within 180 calendar days of the date of the alleged discrimination.² If the complaint is not filed on time, the complainant should provide the reason for the delay and request a waiver of this filing requirement. OCR will decide whether to grant the waiver. In addition, OCR will determine whether the complaint contains enough information about the alleged discrimination to proceed to investigation. If OCR needs more information in order to clarify the complaint, it will contact the complainant; and the complainant has 14 calendar days within which to respond to OCR's request for information unless the complainant has requested additional time to provide the information.

Some of the reasons for OCR's dismissal of a complaint include:

- OCR does not have legal authority to investigate the complaint;
- The complaint fails to state a violation of one of the laws OCR enforces;
- The complaint was not filed timely (within 180 calendar days of the date of the alleged discrimination) and a waiver of the timeliness requirement was not granted;

¹ These procedures are a summary of OCR's Case Processing Manual (CPM); the CPM contains more detailed explanations of OCR's procedures.

² Complaints that allege discrimination based on age are timely if filed with OCR within 180 calendar days of the date the complainant first knew about the alleged discrimination.

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- The complaint is speculative, conclusory, or incoherent, or lacks sufficient detail to infer discrimination and the complainant does not provide the information that OCR requests within 14 calendar days of OCR's request, unless the complainant requests additional time to provide the requested information;
- The allegations raised by the complaint have been resolved and are therefore no longer appropriate for investigation;
- The complaint has been investigated by another Federal, state, or local civil rights agency or through a recipient's internal grievance procedures, including due process proceedings, and there was a comparable resolution process pursuant to legal standards that are acceptable to OCR or, if still pending, OCR anticipates that there will be a comparable resolution process pursuant to legal standards that are acceptable to OCR. OCR will advise the complainant that he or she may re-file within 60 days of the completion of the other entity's action;
- The same or similar allegations based on the same operative facts have been filed by the complainant against the same recipient in state or Federal court. OCR will advise the complainant that he or she may re-file within 60 days of the termination of the court proceeding if there has been no decision on the merits of the case or settlement of the court complaint;

OPENING THE COMPLAINT FOR INVESTIGATION

If OCR determines that it will investigate the complaint, it will issue letters of notification to the complainant and the recipient. Opening a complaint for investigation in no way implies that OCR has made a determination with regard to the merits of the complaint. During the investigation, OCR is a neutral fact-finder. OCR will collect and analyze relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that the actions it takes in investigations are legally sufficient, supported by evidence, and dispositive of the allegations raised in the complaint.

INVESTIGATION OF THE COMPLAINT

OCR may use a variety of fact-finding techniques in its investigation of a complaint. These techniques may include reviewing documentary evidence submitted by both parties, conducting interviews with the complainant, recipient's personnel, and other witnesses, and/or site visits. At the conclusion of its investigation, OCR will determine, with regard to each allegation, whether:

- There is insufficient evidence to support a conclusion that the recipient failed to comply with the law, or
- A preponderance of the evidence supports a conclusion that the recipient failed to comply with the law.

OCR's determination will be explained in a Letter of Findings sent to the complainant and recipient. 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.

RESOLUTION OF THE COMPLAINT UPON A DETERMINATION OF NONCOMPLIANCE

If OCR determines that a recipient failed to comply with the civil rights law(s) that OCR enforces, OCR will contact the recipient and will attempt to secure the recipient's willingness to negotiate a voluntary resolution agreement. If the recipient agrees to resolve the complaint, the recipient will negotiate and sign a written resolution agreement that describes the specific remedial actions that the recipient will undertake to address the area(s) of noncompliance identified by OCR. The terms and obligations of the resolution agreement, if fully performed, will remedy the identified violation(s) in compliance with applicable civil rights law(s). OCR will monitor the recipient's implementation of the terms and obligations of the resolution agreement to verify that the remedial actions agreed to by the recipient are being properly implemented .

If the recipient does not agree to correct its noncompliance with the civil rights law(s) by entering into a resolution agreement, OCR may initiate proceedings to suspend, terminate, or refuse to grant or continue Federal financial assistance to the recipient, or may refer the case to the Department of Justice.

RESOLUTION OF THE COMPLAINT PRIOR TO THE CONCLUSION OF THE INVESTIGATION

Facilitated Resolution Between the Parties :

Facilitated Resolution Between the Parties (FRBP) allows the parties (the complainant and the recipient which is the subject of the complaint) an opportunity to resolve the complaint allegations quickly; generally, soon after the complaint has been opened for investigation. If both parties are willing to try this approach, and if OCR determines that FRBP is appropriate, OCR will facilitate settlement discussions between the parties and work with the parties to help them understand the legal standards and possible remedies. Staff assigned by OCR to conduct FRBP will not be the staff assigned to the investigation of the complaint.

OCR does not approve, sign or endorse any agreement reached between the parties as a result of FRBP, and OCR does not monitor the agreement. However, if the recipient does not comply with the terms of the agreement, the complainant may file another complaint with OCR within 180 days of the date of the original discrimination or within 60 days of the date the complainant learns of the failure to comply with the agreement, whichever date is later.

Resolution Agreement Reached During an Investigation

A complaint may also be resolved before the conclusion of an investigation, if the recipient expresses an interest in resolving the complaint **and** OCR determines that it is appropriate to resolve the complaint because OCR's investigation has identified issues that can be addressed through a resolution agreement. The provisions of the resolution agreement must be tied to the allegations and the evidence obtained during the investigation, and will be consistent with applicable regulations. OCR will inform the recipient that this resolution process is voluntary before proceeding to resolution under this section, and will notify the complainant of the recipient's interest in resolution. OCR will monitor a resolution agreement reached with the recipient before the conclusion of an investigation . After the recipient signs the resolution agreement, OCR will issue a Resolution Letter, which will address all allegations in the case resolved pursuant to CPM Section 302.

Appeal

OCR affords complainants an opportunity to appeal a determination(s) based on a finding of noncompliance (Section 303(a) of OCR's CPM) and dismissals based on Sections 108(a), (b), (c), (d), (h), and (i) of OCR's CPM. An appeal can be filed electronically, by mail, or fax. The complainant must either submit electronically a completed appeal form or submit a written statement of no more than ten (10) pages (double-spaced, if typed) to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202; if submitted by e-mail, to OCR@ed.gov; if submitted by fax, to 202-453-6012. The filing date of an appeal submitted by mail is the date the appeal is postmarked or submitted electronically or by fax.

In the appeal, the complainant must explain why he or she believes the factual information was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how correction of any error(s) would change the outcome of the case; failure to do so may result in dismissal of the appeal.

An appeal must be submitted within 60 calendar days of the date indicated on the letter of finding or the dismissal. A waiver of the 60-day timeframe may be granted where the complainant was unable to submit the appeal within the 60-day timeframe because of illness or other circumstances, or because of circumstances generated by OCR's action that have adversely affected the complainant's ability to submit the appeal timely.

OCR will forward a copy of the complainant's appeal to the recipient. The recipient has the option to submit to OCR a response to complainant's appeal. Any response to complainant's appeal must be submitted to OCR within 14 calendar days of the date that OCR forwarded a copy of the complainant's appeal to the recipient.

OCR will issue a written decision on the appeal to the parties.

ADDITIONAL INFORMATION

Right to File a Separate Court Action

The complainant may have the right to file suit in Federal court, regardless of OCR's findings. OCR does not represent the complainant in case processing, so if the complainant wishes to file a court action, he or she must do so through his or her own attorney or on his or her own through the court's pro se clerk's office.

If a complainant alleges discrimination prohibited by the Age Discrimination Act of 1975, a civil action in Federal court can be filed only after the complainant has exhausted administrative remedies. Administrative remedies are exhausted when either of the following has occurred:

- 1) 180 days have elapsed since the complainant filed the complaint with OCR and OCR has made no findings; or
- 2) OCR issues a finding in favor of the recipient. If this occurs, OCR will promptly notify the complainant and will provide additional information about the right to file for injunctive relief.

Prohibition against Intimidation or Retaliation

A recipient under the jurisdiction of the Department of Education may not intimidate, threaten, coerce, or retaliate against anyone who asserts a right protected by the civil rights laws that OCR enforces, or who cooperates in an investigation. Anyone who believes that he or she has been intimidated or retaliated against should file a complaint with OCR.

Investigatory Use of Personal Information

In order to investigate a complaint, OCR may need to collect and analyze personal information such as student records or employment records.

The Privacy Act of 1974, 5 U.S.C. § 552a (Privacy Act), Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and the Freedom of Information Act (FOIA), 5 U.S.C. §552, govern the use of personal information that is submitted to all Federal agencies and their individual components, including OCR. The Privacy Act protects individuals from the misuse of personal information held by the Federal government. It applies to records that are maintained by the Federal government and that are retrieved from a system of records by the individual's name, social security number, or other personal identifier. It regulates the collection, maintenance, use and dissemination of personal information in records contained in systems of records of Federal government.

The information that OCR collects is analyzed by authorized personnel within the agency and will be used by OCR only for authorized civil rights compliance and enforcement activities. However, in order to investigate or resolve a complaint, OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such details could include, for example, the name, age, or physical condition of the person who is the alleged subject of discrimination. Also, OCR may be required to reveal information requested under FOIA, which gives the public the right of access to records of Federal agencies. Disclosure will only be made as consistent with the Privacy Act, FERPA, and FOIA.

However, OCR can release certain information about your complaint to the press or general public, including the name of the recipient; the date your complaint was filed; the type of discrimination included in the complaint; the date the complaint was resolved, dismissed or closed; the basic reasons for OCR's decision; or other related information. Any information OCR releases to the press or general public will not include the complainant's name or the name of the person on whose behalf the complaint was filed.

FOIA gives the public the right of access to records of Federal agencies. Individuals may obtain items from many categories of records of the Federal government, not just materials that apply to them personally. OCR must honor requests for records under FOIA, with some exceptions. If records are covered by the Privacy Act they must be required to be released under FOIA. Generally, OCR is not required to release records during the case evaluation and investigation process or enforcement proceedings, if the release could reasonably be expected to interfere with or affect the ability of OCR to do its job. 5 U.S.C. § 552(b)(7)(A). Also, a federal agency is not required to release records if they are pre-decisional documents that would be subject to certain privileges in litigation. See 5 U.S.C. § 552(b)(5). A Federal agency may refuse a request for records if their release would or could reasonably be expected to result in an unwarranted invasion of privacy of an individual. 5 U.S.C. §

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552(b)(6) and (7)(C), such as medical records, which may be denied where disclosure would be a clearly unwarranted invasion of privacy.

CONSENT FORM - FOR REVEALING NAME AND PERSONAL INFORMATION TO OTHERS

(Please print or type except for signature line)

Your Name: _____

Name of School or Other Institution That You Have Filed This Complaint Against: _____

- This form asks whether the Office for Civil Rights (OCR) may share your name and other personal information when OCR decides that doing so will assist in investigating and resolving your complaint.
- For example, to decide whether a school discriminated against a person, OCR often needs to reveal that person’s name and other personal information to employees at that school to verify facts or get additional information. When OCR does that, OCR informs the employees that all forms of retaliation against that person and other individuals associated with the person are prohibited. OCR may also reveal the person’s name and personal information during interviews with witnesses and consultations with experts.
- If OCR is not allowed to reveal your name or personal information as described above, OCR may decide to close your complaint if OCR determines it is necessary to disclose your name or personal information in order to resolve whether the school discriminated against you.

NOTE: If you file a complaint with OCR, OCR can release certain information about your complaint to the press or general public, including the name of the school or institution; the date your complaint was filed; the type of discrimination included in your complaint; the date your complaint was resolved, dismissed or closed; the basic reasons for OCR’s decision; or other related information. Any information OCR releases to the press or general public will not include your name or the name of the person on whose behalf you filed the complaint.

NOTE: OCR requires you to respond to its requests for information. Failure to cooperate with OCR’s investigation and resolution activities could result in the closure of your complaint.

Please sign section A or section B (but not both) and return to OCR:

- If you filed the complaint on behalf of yourself, you should sign this form.
 - If you filed the complaint on behalf of another specific person, that other person should sign this form.
- EXCEPTION:** If the complaint was filed on behalf of a specific person who is younger than 18 years old or a legally incompetent adult, this form must be signed by the parent or legal guardian of that person.
- If you filed the complaint on behalf of a class of people, rather than any specific person, you should sign the form.

A. **I give OCR my consent to reveal my identity (and that of my minor child/ward on whose behalf the complaint is filed) to others to further OCR’s investigation and enforcement activities.**

Signature

Date

OR

B. **I do not give OCR my consent to reveal my identity (and that of my minor child/ward on whose behalf the complaint is filed) to others.** I understand that OCR may have to close my complaint.

Signature

Date

I declare under penalty of perjury that it is true and correct that I am the person named above; and, if the complaint is filed on behalf of a minor child/ward, that I am that person’s parent or legal guardian. This declaration only applies to the identity of the persons and does not extend to any of the claims filed in the complaint.

CONSENT FORM - FOR REVEALING NAME AND PERSONAL INFORMATION TO OTHERS

(Please print or type except for signature line)

Your Name: Mortimer Halligan

Name of School or Other Institution That You Have Filed This Complaint Against: _____

Indiana Wesleyan University

- This form asks whether the Office for Civil Rights (OCR) may share your name and other personal information when OCR decides that doing so will assist in investigating and resolving your complaint.
- For example, to decide whether a school discriminated against a person, OCR often needs to reveal that person’s name and other personal information to employees at that school to verify facts or get additional information. When OCR does that, OCR informs the employees that all forms of retaliation against that person and other individuals associated with the person are prohibited. OCR may also reveal the person’s name and personal information during interviews with witnesses and consultations with experts.
- If OCR is not allowed to reveal your name or personal information as described above, OCR may decide to close your complaint if OCR determines it is necessary to disclose your name or personal information in order to resolve whether the school discriminated against you.

NOTE: If you file a complaint with OCR, OCR can release certain information about your complaint to the press or general public, including the name of the school or institution; the date your complaint was filed; the type of discrimination included in your complaint; the date your complaint was resolved, dismissed or closed; the basic reasons for OCR’s decision; or other related information. Any information OCR releases to the press or general public will not include your name or the name of the person on whose behalf you filed the complaint.

NOTE: OCR requires you to respond to its requests for information. Failure to cooperate with OCR’s investigation and resolution activities could result in the closure of your complaint.

Please sign section A or section B (but not both) and return to OCR:

- If you filed the complaint on behalf of yourself, you should sign this form.
 - If you filed the complaint on behalf of another specific person, that other person should sign this form.
- EXCEPTION:** If the complaint was filed on behalf of a specific person who is younger than 18 years old or a legally incompetent adult, this form must be signed by the parent or legal guardian of that person.
- If you filed the complaint on behalf of a class of people, rather than any specific person, you should sign the form.

A. I give OCR my consent to reveal my identity (and that of my minor child/ward on whose behalf the complaint is filed) to others to further OCR’s investigation and enforcement activities.

Mortimer Halligan
Mortimer Halligan (Jun 24, 2021 19:45 EDT)

Signature

06/24/2021

Date

OR

B. I do not give OCR my consent to reveal my identity (and that of my minor child/ward on whose behalf the complaint is filed) to others. I understand that OCR may have to close my complaint.

Signature

Date

I declare under penalty of perjury that it is true and correct that I am the person named above; and, if the complaint is filed on behalf of a minor child/ward, that I am that person’s parent or legal guardian. This declaration only applies to the identity of the persons and does not extend to any of the claims filed in the complaint.

EXHIBIT F