

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

From: (b)(6); (b)(7)(C)
Sent: Friday, January 12, 2007 4:04 PM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: FW: Can you please help me with the following?

-----Original Message-----

From: (b)(6); (b)(7)(C)
Sent: Friday, January 12, 2007 3:45 PM
To: (b)(6); (b)(7)(C)
Subject: FW: Can you please help me with the following?

Pass this little Tidbit on to your boss. Thanks.

Whether or not an individual who is appealing" an issue in an university setting regarding academic performance before a panel of school personnel and who cannot self advocate because of a significant learning disability should be allowed to have an advocate present at the appeal?

The university's policy says that they are not allowed to have an advocate, only allowed to have an advisor and are only allowed to comment on procedural matters.

This a thought from another individual:

It would seem to me that this issue falls under two areas: (1) an "equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services" and (2) "reasonable modification to policy, practice, or procedure".

Can this person participate effectively in this proceeding without an advocate? And, regarding reasonable modifications, we know that fundamental alteration is the ONLY defense to not allowing reasonable modifications. Would allowing an advocate fundamentally alter the nature of the proceeding? This is your call.

Both of these general non-discrimination requirements apply whether this is a state university or private university.

UNITED STATES DEPARTMENT OF EDUCATION
Office for Civil Rights
Atlanta Office - Southern Division
61 Forsyth Street, SW
Suite 19T70
Atlanta, Georgia 30303

DISCRIMINATION COMPLAINT FORM

Please Print

NAME (Complainant): (b)(6); (b)(7)(C)

MAILING ADDRESS: (b)(6); (b)(7)(C)

CITY/STATE/ZIP C (b)(6); (b)(7)(C)

HOME PHONE NUMBER: AREA CODE () _____ BEST TIME TO CALL: _____

WORK PHONE NUMBER: AREA CODE () _____ BEST TIME TO CALL: _____

PERSON DISCRIMINATED AGAINST (if other than Complainant):

MAILING ADDRESS (if different from above):

C/O Law Office of Matthew W. Dietz 999 Ponce de Leon Blvd. Suite 735

CITY/STATE/ZIP CODE: Coral Gables, FL 33134

PHONE NUMBER: AREA CODE (305) 669-2822 BEST TIME TO CALL: _____

Fax: (305) 442-4181

COLLEGE/INSTITUTION/SCHOOL DISTRICT (which you believe has discriminated):

NAME (RECIPIENT): American University (

MAILING ADDRESS: 4404 Massachusetts Ave. NW

CITY/STATE/ZIP CODE: Washington, DC 20016-8012

PHONE NUMBER: AREA CODE (202) 885-2446

INJURED PARTY WAS DISCRIMINATED AGAINST BECAUSE OF (check only those that apply):

_____ Race or Color _____ Sex _____ National Origin
_____ Disability _____ Age

WHEN DID DISCRIMINATION OCCUR? Month _____ Day _____, Year _____

IF DISCRIMINATION OCCURRED MORE THAN 180 DAYS AGO, PLEASE INDICATE IF YOU WISH TO REQUEST A WAIVER. X
YES NO

IF YES, PLEASE INDICATE REASON(S) THE COMPLAINT WAS NOT FILED IN A TIMELY MANNER.

Pursuant to Section 108(d), the complaint filed, within the 180-day period,
an internal complaint, including a due process hearing, alleging the same
discriminatory conduct that is the subject of the OCR complaint, and the
complaint is filed no later than 60 days after the internal grievance is
DESCRIBE THE ALLEGED DISCRIMINATION: concluded.

Please see attached.

If additional space is required, use reverse side of this form or insert additional pages.

HAVE EFFORTS BEEN MADE TO RESOLVE THIS COMPLAINT THROUGH THE COLLEGE/INSTITUTION/SCHOOL DISTRICT'S INTERNAL GRIEVANCE PROCEDURE?

YES NO

IF YES, WHAT IS THE STATUS OF THE GRIEVANCE? PLEASE EXPLAIN: _____

The college denied the requested accommodations.

WHAT DO YOU CONSIDER AN EQUITABLE RESOLUTION TO THIS COMPLAINT: 1) An _____

additional opportunity to remain on a probationary period in light of _____

(b)(6); (b)(7)(C) health.

2) The right to be represented for due process grievance hearing at _____

American University.

If additional space is required, use reverse side of this form or insert additional pages.

HAS THIS COMPLAINT BEEN FILED WITH ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENT AGENCY?

YES NO

IF YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

NAME OF AGENCY: _____

CONTACT PERSON AND TITLE: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP CODE: _____

PHONE NUMBER: AREA CODE (_____) _____

DATE COMPLAINT FILED: _____

WITH RESPECT TO THIS COMPLAINT, HAS A CIVIL SUIT OR IS OTHER LEGAL ACTION PENDING?

YES NO

NAME OF ATTORNEY: _____

PHONE NUMBER: AREA CODE (_____) _____

HAVE YOU, OR THE PERSON DISCRIMINATED AGAINST, EVER FILED ANY OTHER COMPLAINT(S) WITH OCR?

YES NO

COMPLAINT WAS FILED AGAINST: _____

DATE COMPLAINT FILED: _____ COMPLAINT NUMBER (if known) 04 - ____ - _____

BRIEFLY, WHAT WAS YOUR PREVIOUS COMPLAINT ABOUT: _____

WHAT WAS THE RESULT OF THE ABOVE-REFERENCED COMPLAINT?: _____

THE DISCRIMINATION COMPLAINT FORM MUST BE SIGNED BY THE COMPLAINANT

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

PRINT NAME OF COMPLAINANT

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

SIGNATURE OF COMPLAINANT

1-13-06

DATE OF SIGNATURE

IF THIS COMPLAINT IS ON YOUR BEHALF OR THAT OF ANOTHER INDIVIDUAL, THE COMPLAINANT MUST ALSO SIGN THE ATTACHED CONSENT AGREEMENT(S) BEFORE OCR CAN TAKE ANY PRELIMINARY ACTION.

PLEASE TAKE A MOMENT TO ANSWER THE FOLLOWING:

HOW DID YOU LEARN OF THE OFFICE FOR CIVIL RIGHTS?

NEWSPAPER _____ FRIEND _____ RADIO/TV _____ OCR PRESENTATION _____

OTHER (EXPLAIN) Attorney, Matthew W. Dietz

Description of the Alleged Discrimination

Page 1 of 3

(b)(6); (b)(7)(C) (b)(6); (b)(7)(C) is a person with a disability as defined by Section 504 of the Rehabilitation Act, and Section 102 of the Americans with Disabilities Act. He lives

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

(b)(6); (b)(7)(C) American University discriminated against Mr. (b)(6); (b)(7)(C) on the basis of his disability by failing to consider his (b)(6); (b)(7)(C)

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

when American University decided to discontinue his probation and dismiss him from the University in June of 2005. Furthermore, American University fails to afford its students with learning disabilities or other disabilities that would require assistance in self-advocacy adequate due process by refusing to permit an advocate at the grievance hearings.

HISTORY

Since age six, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) has been diagnosed with (b)(6); (b)(7)(C)

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

and has been receiving accommodations throughout primary school and secondary school. Mr. (b)(6); (b)(7)(C) matriculated at American University in the Fall 2003 semester, where he was given many accommodations for his learning disability. During the Fall 2003 semester,

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

(b)(6); (b)(7)(C) In Spring 2004 (b)(6); (b)(7)(C) Fall 2004 (b)(6); (b)(7)(C) and Spring 2005 (b)(6); (b)(7)(C), Mr. (b)(6); (b)(7)(C) had a cumulative grade point average below the required 2.0 grade point average. He was initially placed upon academic probation after the spring 2004 and fall 2004 semesters and was academically terminated after the spring 2005 semester.

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

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

