



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

October 3, 2022

By email only to sleemkevin@alumni.unc.edu

Kevin Sleem
3528 Turnberry Circle
Fayetteville, NC 28303

Re: Case No. 11-22-2295
Durham Technical Community College

Dear Mr. Sleem:

On August 30, 2022, the U.S. Department of Education, Office for Civil Rights (OCR) received your complaint against Durham Technical Community College, which we will refer to as the College. You alleged the College discriminated against you on the basis of national origin (Jamaican) when:

- On February 1, 2021, the College suspended you from school for a year (Allegation #1).
- The College failed to respond to your requests for readmission starting in February 2022 despite your submission of documentation the College required pursuant to your suspension on February 1, 2021 (Allegation #2).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from the Department of Education. Because the College receives federal financial assistance from the Department of Education, OCR has jurisdiction over it pursuant to Title VI.

After carefully reviewing the information you provided, OCR determined that we will not investigate your complaint. OCR is dismissing Allegation #1 and Allegation #2 under Section 108(c) of OCR's *Case Processing Manual* (CPM), which states that OCR will dismiss an allegation that was not timely filed if a waiver was not requested or granted. As explained in more detail in Section 106 of the CPM, OCR generally will take action only with respect to allegations that are filed within 180 days of the alleged discrimination. You filed this complaint on August 30, 2022, more than 180 days after the alleged acts of discrimination on February 1, 2021 and February 15, 2022, so Allegation #1 and Allegation #2 are untimely.¹

¹ Although you referenced following up with certain College staff about your desire to re-enroll, it was the College's failure to act when you reapplied on February 15, 2022 that you alleged was discriminatory.

OCR gave you the opportunity to request a waiver of the 180-day filing requirement on the form you used to file the complaint, but you declined to request a waiver. Therefore, OCR is dismissing Allegation #1 and Allegation #2 because they were not filed in time.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

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

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Ravan Austin at (202) 377-4178 or Ravan.Austin@ed.gov or Melanie Barr-Brooks at 202-245-8135 or Melanie.Brooks@ed.gov, the OCR attorneys assigned to this complaint.

Sincerely,

Dan Greenspahn
Team Leader, Team #1
District of Columbia Office
Office for Civil Rights