

Point Loma Nazarene University
Response to Request for Information Concerning
Student, [REDACTED]
(Student ID: [REDACTED])

Department of Education Office for Civil Rights Docket #: [REDACTED]

Civil Rights Attorney
U.S. Department of Education
Office for Civil Rights
50 Beale Street, Ste. 7200
San Francisco, California 94105

Dear [REDACTED]

Thanks for the opportunity to respond to the concerns raised by [REDACTED]

[REDACTED] applied for admittance to PLNU's MBA program in Spring [REDACTED]. He was admitted on May 5 [REDACTED]. He proceeded to take and successfully complete two courses (BUS 630 - Managerial Economics and BUS 655 - Marketing in an Entrepreneurial World) in the Summer session. Then, he enrolled in BUS 660 - Management and BUS 615 - Managerial Accounting for the Fall [REDACTED] semester.

The first indication that [REDACTED] had any of concern was on September 28, [REDACTED] when [REDACTED] asked for project guidelines. [REDACTED] responded that the primary content of the class discussions for the previous three weeks had been how to complete the group project, gave a re-explanation of the group task in the email, and asked [REDACTED] to listen carefully in class and to ask questions during class if he had concerns. (Exhibit 1.)

Two weeks later, [REDACTED] sent a note to MBA program director [REDACTED] stating that other students were declining to work with him and that [REDACTED] was encouraging him to consider dropping the class. (Exhibit 2.) [REDACTED] promptly responded and offered to meet with [REDACTED] to discuss his concerns. (Exhibit 3.) Two days later, she met with [REDACTED] who reiterated unhappiness in his designated work group and raised more questions about class assignments and about [REDACTED] suggestion that he drop the class to preserve his GPA. Based on that conversation, [REDACTED] contacted [REDACTED] to discuss the concerns raised by [REDACTED]

After meeting with [REDACTED], [REDACTED] sent [REDACTED] an explanation of grades and a spreadsheet to help him understand the challenging situation his performance in the

class had created for him. (Exhibits 4 and 5.) [redacted] email was intended to help [redacted] so that he could make better educated decisions.

On October 17, [redacted] sent [redacted] a follow-up email indicating that he was considering the possibility of withdrawing. (Exhibit 6.) However, the nature of his questions (why do I need a fresh start?) seemed to indicate that [redacted] was not fully understanding [redacted] explanation and the spreadsheet regarding his grades. [redacted] responded and attempted to again answer [redacted] questions. (Exhibit 7.) He also sent detailed, written instructions about how to complete a homework assignment in a series of additional emails. (Exhibits 8 and 9.) On October 18, without acknowledging any of the information previously provided by [redacted], [redacted] raised a new issue in an email to Professor Munoz, which was copied to [redacted] and to [redacted]. (Exhibit 10.) [redacted] stated that, in his opinion [redacted] should be using a rubric to grade the group project.

On that same day, [redacted] submitted documents through the "Consumer Complaint Link" on the main PLNU web page to [redacted], the designated university Consumer Complaint Officer. (Exhibits 11.) Notably, [redacted] did not file his complaint using our "discrimination policy" link, although it is immediately adjacent to the Consumer Complaint link on main university web page.

In his complaint, [redacted] raised several issues:

- [redacted] suggestion that he consider dropping the class (Complaint items 1 and 2): Institutionally, PLNU maintains a generous drop deadline for exactly this purpose - to allow students who are struggling in a particular class to drop the class and maintain their GPA's. [redacted] noted that at the time of his email, [redacted] projected course grade was an "F," which would jeopardize his financial aid and damage his cumulative GPA. Additionally, because the policy states that students must retake courses with F's, he would be required to retake the class in any event.
- Perceived lack of feedback (Complaint items 3, 4 and 5). [redacted] made clear his preference for using rubrics for assignments. However, doing so (or not doing so) is certainly within [redacted] academic discretion. [redacted] simply followed the response format set forth in his syllabus, as he was entitled to do. Regarding being the only student given a grade sheet, [redacted] prepared this grade sheet and gave it to [redacted] in response to [redacted] request for details about his status. It is not just common practice, but requested of faculty that they notify students in jeopardy of receiving a D or F in a class in time either to make

improvements or to withdraw. [REDACTED] was notifying [REDACTED] in this spirit, which was entirely appropriate.

- Perceptions of discrimination (Complaint items 6 and 7). [REDACTED] complaint was inconsistent. At one point, he indicated that he saw the fact of the grade summary sheet as evidence of discrimination because he was receiving special attention. Later, however, he cites the lack of that summary during an October 14 meeting as evidence of "favoritism and racial preference." In item 7, he cited the use of another student's case study response (which received an A) rather than his own (which received a C) to represent the collective work of the group as evidence of favoring "certain races as opposed to others," but without any nexus to race.

[REDACTED] was receiving special attention because he was in jeopardy of failing. This was an appropriate action for [REDACTED] to take, and had nothing to do with race. As to the fact that [REDACTED] chose the work of a [REDACTED]-surname student over [REDACTED] to preserve the best possible grade for all members of the group, this is not evidence of racial bias. The mere fact that the other student was a different race than [REDACTED] does not demonstrate the existence of bias, any more than it would have demonstrated bias against the [REDACTED] student had [REDACTED].

[REDACTED] work been selected. [REDACTED] assertion that the university favors "certain races as opposed to others" is simply unsupported by any corroborating facts.

- Student concerns about small group dynamics (item 8) and about participation (item 9). As noted above, [REDACTED] had shared his concerns about the small group work and about his participation grade in his meeting with [REDACTED] on October 15. Without waiting for her reply, he filed his Consumer Complaint. However, the documents show that the small group concern was addressed and resolved. Additionally, [REDACTED] class participation and participation grades also improved.

On October 20, 2015, [REDACTED] emailed [REDACTED] and encouraged him to meet again with [REDACTED] as the next step in the Consumer Complaint process and to continue the resolution process he had begun in his meeting with her on October 15. (Exhibit 12.) Later that same day, the results of [REDACTED] efforts began to take shape. [REDACTED] indicated that she had met with [REDACTED] who had agreed to [REDACTED] requests that the group assignment be made an individual assignment, and that she was planning to meet with [REDACTED] to attempt to resolve any remaining items. (Exhibit 13.) The next day, [REDACTED] met with [REDACTED] and [REDACTED], Assistant Director of Graduate Business Education, to continue the work of resolving [REDACTED] concerns. During the meeting [REDACTED] acknowledged that the move to an individual project was, in his view, fair. Regarding the concern about participation points, [REDACTED] also told [REDACTED] that [REDACTED] had seen an

improvement in his participation, which merited improved participation points and told him that if, at the end of the class, he felt the awarding of participation points had been unfair, there was a grade appeal process he could use to address those concerns. [REDACTED] agreed that the combination of improved points and an appeal process addressed that concern. As a result, [REDACTED] indicated that he wanted to remain in the class.

Two days later, on October 21, [REDACTED] asked again for a case study rubric. (Exhibit 14.) As indicated earlier, decisions about grading process and criteria are made by individual instructors within certain broad norms and detailed in the syllabus. (Exhibit 15.) [REDACTED]

[REDACTED] was simply following the syllabus grade criteria. Since [REDACTED] was working with [REDACTED] to resolve his concerns, [REDACTED] asked [REDACTED] to make [REDACTED] his primary contact regarding BUS 615 concerns. (Exhibit 16.)

On October 28, well after the deadline for dropping the course or receiving any refund, [REDACTED] spoke by phone with [REDACTED] indicating she had permission to offer him a 50% refund. However, in order to resolve any concerns, she asked [REDACTED] if a 100% refund would resolve his concerns. [REDACTED] stated that he was not interested in any refund, acknowledged that there was still the possibility he would fail, but indicated he wanted to stay in the class. At that point, the university considered the option of the late drop to have been offered and declined, and so it was closed as an option. [REDACTED] followed up with [REDACTED] on November 11 by sending him a positive email and a summary of their October 21 meeting. (Exhibits 17 and 18.)

On November 18, despite his statements on October 28, [REDACTED] sent [REDACTED] an email indicating his desire to withdraw from the class. (Exhibit 19.) Two days later, on November 20, even though the deadline for drops and for any refund were both long past, [REDACTED] emailed [REDACTED] to confirm the option of a 50% refund. [REDACTED] responded asking why the refund could not be 100%. (Exhibit 20.) Also on November 20, [REDACTED] responded to a forwarded email from [REDACTED] reiterating the steps the university had taken to resolve his concerns and outlining two options: staying in the class or dropping it with a 50% refund (with both the late drop and the refund being significant exceptions to university policy). (Exhibit 21.)

On November 22, [REDACTED] asked to speak to the "Dean of the University." (Exhibit 22.) On November 23, [REDACTED] directed [REDACTED] to [REDACTED] to schedule a meeting. (Exhibit 23.) That same day, [REDACTED] responded with three possible meeting dates and confirmed the need to indicate his decision about dropping BUS 615 before the Thanksgiving break. (Exhibit 24.) Later that same day, [REDACTED] confirmed his desire to drop the class and declined to meet with [REDACTED] (Exhibit 25.) [REDACTED] responded by providing [REDACTED] with

confirmation of the requested late drop and the exceptional 50% refund as evidence of the university's continued responsiveness to his requests. (Exhibit 26.) He also reiterated that [REDACTED] was the designated contact person for the process and reiterated a willingness to meet. In that same email, [REDACTED] noted that [REDACTED] has not registered for spring classes and, in light of [REDACTED] repeated expressions of concern about PLNU, asked that by December 2, [REDACTED] either send him a note confirming his plans to register for spring or to actually complete the registration process, with the understanding that in the absence of one or the other of those, [REDACTED] would be withdrawn from the program.

Later that day, [REDACTED] asked for clarification, but promised a response to the status request. (Exhibit 27.) [REDACTED] asked again for notification of [REDACTED] plans and reiterated that he was the appropriate contact person in the university process. (Exhibit 28.)

Unfortunately, [REDACTED] did not respond to the request for written confirmation of his Spring semester plans as he had indicated he would do. All he needed to do, as specified in [REDACTED] email, was to send [REDACTED] a short email indicating his intent to register for spring classes. He did not even need to actually register at that time.

Accordingly, consistent with his prior email, on December 2, [REDACTED] sent [REDACTED] a note confirming that, in the absence of the requested status update from the student, [REDACTED] was being withdrawn from the program. (Exhibit 29.) This email also included an explanation of what [REDACTED] would need to do if he wished to reapply.

[REDACTED] responded on December 3 and 7. (Exhibits 30 and 31.) [REDACTED] again requested that he be given a 100% refund, questioned the inquiry about his plans for spring, and indicated he was unlikely to reapply to the university. In follow-up emails from [REDACTED] who deals with student accounts, and [REDACTED], Graduate Student Services Director, indicating a balance owing of [REDACTED]. The 50% refund for BUS 615 and subsequent funds sent from the VA further reduced his current balance owing to [REDACTED] as of March 11, 2016.

In sum, PLNU has found no evidence of any racial bias in any decision made with regarding to [REDACTED] met with [REDACTED] to answer questions, provided correct answers and grades on homework consistent with syllabus policy, and responded to multiple emails from [REDACTED] requesting additional help. [REDACTED] also notified [REDACTED], per university policy, that he was in jeopardy of failing BUS 615 and encouraged him to withdraw rather than suffer impact on cumulative GPA and potentially on financial aid. When [REDACTED] questioned the projection of a failing grade, [REDACTED] provided an item by item calculation of his grades to date.

the MBA Program Director, met with twice and worked diligently to find a resolution to the issues raised. , the Customer Complaint Officer, directed to the next step in resolving his concerns and encouraged him to meet with him if the early stages of the process were not effectively resolving his concerns. worked with and got his agreement to modify the group assignment, noted genuine improvement in the student's participation in class, pointed to the grade appeal process, if needed, and provided an explanation for the absence of a rubric—addressing each of the concerns the student had raised.

When made the final decision to drop the class, even though the drop period and the period for scheduled reimbursement were both over, the university allowed the drop and credited the 50% refund to his account. In spite of failure to register, failure to communicate his plans to register and subsequent de-enrollment from the MBA program, the university communicated a process that could use to be considered for readmission.

Based on the above, PLNU believes it responded promptly and appropriately to concerns.

Sincerely,

Vice Provost for Academic Administration
University Consumer Complaints Officer

Cc: University President, Provost, FSB Dean, MBA Director

Additional Data Requests

- **Name, Title and Telephone Number and E-mail of Individual(s) responsible for receiving and investigating complaints of racial and national origin discrimination for the recipient.**
 - [REDACTED] sent his complaint to the designated officer for "Customer Complaints":
 - [REDACTED] Vice Provost for Academic Administration is the designated officer for the "Customer Complaint" process:
 - [REDACTED] 619-849-[REDACTED]
 - PLNU's Chief Diversity Officer is:
 - [REDACTED] Associate Vice President for Student Development and Chief Diversity Officer
 - [REDACTED] 619-849-[REDACTED]
- **Policies and how they are publicized.**
 - Both our consumer complaint link and our discrimination link are on the front page of the university web site:



3900 Lomaland Drive
San Diego, CA 92106
(619) 849-2200

Website Help and Ideas

Contact Us

Maps & Directions

Privacy Notice

Consumer Complaint Procedure

Non-discrimination policies



- Consumer Complaint
link: https://www.pointloma.edu/sites/default/files/filemanager/Academic_Affairs/AAA--PLNU_Student_Complaint_Form_Final_7-22-15-2.pdf
 - Discrimination link: <http://www.pointloma.edu/sexual-assault-reporting-and-resources-title-ix-and-non-discrimination-policies>
- The discrimination policy language is also in the UG and GRAD catalogs:
 - UG:
http://catalog.pointloma.edu/content.php?catoid=18&navoid=1243&hl=discrimination&returnto=search#Notice_of_Non-Discrimination
 - GRAD:
http://catalog.pointloma.edu/content.php?catoid=25&navoid=1641&hl=discrimination&returnto=search#Notice_of_Non-Discrimination

- And in the UG and GRAD student handbooks:
 - i. UG:
http://catalog.pointloma.edu/content.php?catoid=21&navoid=1431&hl=discrimination&returnto=search#Harassment_and_Discrimination
 - ii. GRAD:
http://catalog.pointloma.edu/content.php?catoid=22&navoid=1446&hl=discrimination&returnto=search#Harassment_and_Discrimination