

# MEMORANDUM

U.S. Department of Education  
Office for Civil Rights  
Midwestern Division  
Chicago Office

**To:** File 05-04-2092

**Date:** December 10, 2004

**From:** Mark Farr  
Equal Opportunity Specialist

**Re:** Interview with Tamara Kuchar, Manager for Advising. December 10, 2004 at 9:00 am

The Interviewee is responsible for overseeing all the academic advisors for students enrolled in the bachelor and master degree programs in the School of Business and Technology. One of her roles is to ensure that the advisors are aware of which students received services from the Disabilities Services Office.

The Interviewee only had one role regarding all the issues surrounding the Complainant. On July 15, the Dean asked her to contact the Complainant to determine whether he wanted to complete his courses through directed study or whether he wanted a full tuition refund. The Dean provided the Interviewee with a short summary of the issues surrounding the Complainant. The Interviewee felt that the Dean already had the Complainant's answer regarding directed study, which was contained in an e-mail message from the Complainant to the Dean in which the Complainant stated that he demanded to have access to his courses restored. The Dean felt that this was not a direct answer to the question of directed study and asked that she call and obtain an answer specific to the question.

The Interviewee called the Complainant at his home telephone number and asked him whether he wanted to pursue the directed study option. The Complainant told her that he was not interested in anything less than full access to the course and added, "Put it in writing. I'm in the process of suing Capella University." The Interviewee explained that she did not have time to mention the full tuition refund because the Complainant ended the telephone call.

The next day, the Dean received an e-mail message from the Complainant in which he accused the Interviewee of lying during their conversation.

This was the one and only time she was in contact with the Complainant and the Interviewee has had no involvement with the issues surrounding the Complainant other than providing copies of her notes to the Academic Standards Committee and to the Dean for the OCR data request. The Interviewee believes that the General Counsel tried to contact the Complainant directly, but she does not know the nature of the telephone call.