

---



# **Exhibit A**

---



- b. The student's trimester GPA is less than 2.0 in any of three of the first five trimesters of enrollment.
  - c. The students has received three Fs, AFs or WFs in the same course (does not have to be consecutive).
2. If dismissed, the student may appeal the sanction to the Committee on Reinstatement if he/she believes there were mitigating circumstances. See point 3 below.

The Committee on Reinstatement has the right to approve or deny readmission and to establish individual directives, restrictions and guidelines regarding student reenrollment status. The Committee, upon consultation with the Vice-President of Academic Affairs, may use discretion for students with unique circumstances.

If readmission is denied the student is dismissed from the program. This sanction may be appealed to the Vice-President of Academic Affairs.

- a. Serious illness or injury to the student.
    - b. Death of a relative.
    - c. Other special circumstances.
3. If the student wishes to appeal a dismissal, the appeal must be submitted in writing or electronically to the Committee on Reinstatement through the Office of the Registrar. Supporting documentation of mitigating circumstances must be included with the written appeal. Mitigating circumstances as defined by the U.S. Department of Education (34CFR 668.34) include:

### **Attendance Policy**

1. Regularity and punctuality of class attendance is expected of all students and the record keeping is the responsibility of the instructor. More detailed information concerning attendance may become a part of the syllabus or covered the first day of class.
2. Various state agencies and accrediting bodies require Logan to maintain attendance records for all students.
3. Students who have completed all required registration activities are listed on class rosters in Self-Service. Instructors use the roster in Self-Service to record class attendance.
4. Excessive absences, more than 15% of scheduled classes, constitute the basis for assigning the grade of Attendance Failure (AF) for a course. With proper documentation, a student may be excused from an absence for the following reasons:

- Military service
- Jury duty
- National Licensure Examinations (examination dates only)
- Off-site Sanctioned Events

All other absences are assigned to the 15% maximum.



5. A student awarded a grade of AF for a course is not allowed in the class after that point and cannot take any additional course examination. If a student wishes to contest an AF grade, he/she should follow the procedure outlined in the Grading System-DC and BS Applicable section of the Student Handbook.
6. Missing an examination is a serious matter and must be corrected as soon as possible. It is the responsibility of the student to contact the instructor.
7. Health Center Interns have a different attendance policy. See the Health Center Handbook for details.

### **Attendance at Off-site Sanctioned Events**

This policy allows Logan College of Chiropractic/University Programs to have excused absences from classes/clinic shifts to attend select off-site Logan events, sanctioned by the Office of Academic Affairs, under the guidance of Logan Employees.

Requests for an off-site Logan event to be sanctioned by the Office of Academic Affairs must be received no less than 30 days prior to the beginning of the event. the request must address the following items:

- The name of the event;
- the purpose (or learning objectives) of the event;
- the dates of the event, inclusive of travel.
- Any required pre-event informational and training sessions for the students.
- The specific activities in which the students will be engaged during the event.
- Any restrictions for the students.
- How students will be provided appropriate time over the duration of the event to address the assignments given to them by each instructor whose courses will be missed.

### **Requirements**

- A student must be in academic and professional good standing.
- A student must have prior approval from each instructor whose class will be missed on the day(s) of the event.
- A student must have prior written approval from the supervising Logan employee (s) to participate in the event.
- A student must participate in all required pre-event informational and training sessions required by the Logan employee(s) supervising the event.
- An instructor is to provide a student with required assignments prior to the scheduled departure for the event. Assignments are to relate to material that will be covered in class during a student's absence and are to be of equivalent intensity to assignments given to the students in the class who are not participating in the event.
- The Logan employees(s) supervising the event are to provide appropriate time over the duration of the event for students to address their required assignments.
- A student is required to complete all assignments given by each instructor for missed classes. Assignments must be submitted to each instructor at the completion of the event within a time-frame equivalent to the event. For example, a student must submit

---

---

# **Exhibit B**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 10:56 AM  
**To:** Kaufmann, Lara  
**Subject:** Fwd:

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

**From:** [REDACTED]  
[REDACTED]  
**Subject:** MSN

Hi Michelle,

I hope this finds you well. I wanted to email you as I was just discharged this evening from maternal high-risk triage and I am concerned that I will not meet your midterm deadline of March 10 in either course. As we speak I have make-up midterms stacking up at Logan and it is still uncertain if I will be having an early c-section or if we can hold out until the 19th as planned.

I was able to finish the discussion segments early for this week. Is there anything I can do about the midterms?

I was told by my OB to get some rest, so comically, I have to schedule that in somewhere as well.

I can give you a copy of my discharge, ekg and echo if you should need them.

Enjoy your evening.

Brandi Kostal

---



# **Exhibit C**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 10:56 AM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: Me/Dr. Davis

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Tue, May 7, 2013 at 2:20 PM  
**Subject:** Me/Dr. Davis  
**To:** [REDACTED]

Thank you Michelle...that is very kind. I will try to get it done as soon as I can.

I greatly appreciate your help.

Brandi Kostal

----- Reply message -----

**From:** [REDACTED]  
**Subject:** MSN  
**Date:** Tue, Mar 5, 2013 8:29 am

Hi Brandi,

You and baby are most important so schedule that rest and let me know when you are ready to take the midterm and if I can help in any way.

Michelle

---

Michelle M Davis  
Faculty  
Nutrition and Human Performance  
Logan College of Chiropractic /University Programs

Email: [REDACTED]  
Web: [www.logan.edu](http://www.logan.edu)

---

SCIENCE AND NATURE ALIGNED IN BALANCE

---

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

From: [REDACTED]

[REDACTED]  
Subject: MSN

Hi Michelle,

I hope this finds you well. I wanted to email you as I was just discharged this evening from maternal high-risk triage and I am concerned that I will not meet your midterm deadline of March 10 in either course. As we speak I have make-up midterms stacking up at Logan and it is still uncertain if I will be having an early c-section or if we can hold out until the 19th as planned.

I was able to finish the discussion segments early for this week. Is there anything I can do about the midterms?

I was told by my OB to get some rest, so comically, I have to schedule that in somewhere as well.

I can give you a copy of my discharge, ekg and echo if you should need them.

Enjoy your evening.

Brandi Kostal



---

---

# Exhibit D

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 10:48 AM  
**To:** Kaufmann, Lara

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Fri, Mar 15, 2013 at 1:57 PM  
**Subject:** Fwd:  
**To:** [REDACTED]

Hi Dr. Paine,

I hope this finds you well. I am having an emergency c-section within the hour. Please see the document below. It will prevent attendance failure.

Keep your fingers crossed for a healthy baby...

Brandi

----- Forwarded message -----

**From:** "[REDACTED]" [REDACTED]  
**Date:** Mar 13, 2013 10:11 PM  
**Subject:**  
**To:** [REDACTED]

[http://www.nwlc.org/sites/default/files/pdfs/pps\\_faq\\_at\\_dr\\_10.24.12.pdf](http://www.nwlc.org/sites/default/files/pdfs/pps_faq_at_dr_10.24.12.pdf)

---



# **Exhibit E**

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Saturday, March 16, 2013 5:53 PM  
**To:** BRANDI.KOSTAL  
**Subject:** Fwd: Trimester 7/Logan

----- Forwarded message -----

**From:** [REDACTED] <[REDACTED]>  
**Date:** Mar 16, 2013 4:40 AM  
**Subject:** Trimester 7/Logan  
**To:**

I hope this finds you well. I wanted to let each of you know that I had an emergency c-section last night at Barnes-Jewish after a routine ultrasound appointment.

I will stay in daily contact with student services and I will try to return to campus as soon as I can.

I greatly appreciate your assistance and your understanding.

In Health,  
Brandi Kostal

---

---

# **Exhibit F**

---

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 30, 2013 11:36 PM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: Dr. Davis Email

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Tue, Jul 30, 2013 at 10:33 PM  
**Subject:** FW: Dr. Davis Email  
**To:** [REDACTED]

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

**From:** [REDACTED]  
[REDACTED]  
**Subject:** RE:

Hi Brandi,

Thanks for letting me know and I hope everyone is ok! Just send me an email when you have completed the work and focus on recovering :)

Michelle

Michelle M Davis  
Faculty  
Nutrition and Human Performance  
Logan College of Chiropractic /University Programs

**Email:** [REDACTED]  
**Web:** [www.logan.edu](http://www.logan.edu)

SCIENCE AND NATURE ALIGNED IN BALANCE

---

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

From: [REDACTED]  
Sent: Wed 3/20/2013 10:45 PM  
To: [REDACTED]  
Subject:

Hi Michelle,

I hope this finds you well. I am uncertain if student services contacted you, but I had an emergency c-section on Friday. I was emailing to verify if the discussions are due by the 24th or if they are due sooner? I am hoping to get to them by Sunday. I should be able to complete assignment #2 in both courses by midnight on Sunday and then backtrack to catch up with the midterm exam soon.

If the discussions are due by Sunday, I should be ok to get them finished. The pain meds they have me on make me drift in and out of sleep more than I would like, but I should be able to cut them back by then.

Thank you again for all of your help.

Brandi Kostal

---



# Exhibit G

---



---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 10:57 PM  
**To:** Kaufmann, Lara  
**Subject:** Fwd:

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Tuesday, March 26, 2013  
**Subject:**  
**To:** "[REDACTED]"

Hi Dr. Paine,

I hope this finds you well. Have you had a chance to review the document I sent last week? I have a slew of absences on record occurring since my c-section on March 15th and this time period that I am not approved to return to school.

Can we set up a meeting as I am getting ready to attendance fail Gonstead, likely Diagnostic Imaging and I am certain a few more. I am not cleared to drive until Friday, but I can have someone drive me there for a meeting if needed.

I am going to try to contact individual instructors to ask them to excuse the absences occurring for my c-section and this time period that I am not approved by my OB to return to class.

Please let me know if we can schedule a time to speak.

Hope you enjoyed your snow day.

Brandi Kostal

---

---

# **Exhibit H**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 10:50 AM  
**To:** Kaufmann, Lara

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Tue, Mar 26, 2013 at 2:57 PM  
**Subject:** RE:  
**To:** [REDACTED]

Brandi,

Please find the attendance policy attached. Unfortunately, child birth is not currently listed as an event for which attendance is excused. Please refer to page 76 of the Student Handbook (link attached) to review the policy.

<http://www.logan.edu/mm/files/StudentServices/2012-student-handbook.pdf>

I would also request that you review the attendance portion of the syllabus for each class as well, as #1 of the attendance policy notes that 'more detailed information concerning attendance may become part of the syllabus or covered on the first day of class'.

Please let me know if you have additional questions.

DP

**From:** [REDACTED]  
**Sent:** Tuesday, March 26, 2013 4:38 PM  
**To:** [REDACTED]  
**Subject:** Fwd:

Could you please look it over and get back with me asap. I do not think I can be counted absent for pregnancy/delivery.

----- Forwarded message -----

**From:** [REDACTED] " <[REDACTED]>  
**Date:** Mar 15, 2013 3:57 PM  
**Subject:** Fwd:  
**To:** [REDACTED]

Hi Dr. Paine,

I hope this finds you well. I am having an emergency c-section within the hour. Please see the document below. It will prevent attendance failure.

Keep your fingers crossed for a healthy baby...

Brandi

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mar 13, 2013 10:11 PM  
**Subject:**  
**To:** [REDACTED]

[http://www.nwlc.org/sites/default/files/pdfs/pps\\_faq\\_at\\_dr\\_10.24.12.pdf](http://www.nwlc.org/sites/default/files/pdfs/pps_faq_at_dr_10.24.12.pdf)

---



# **Exhibit I**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 10:51 AM  
**To:** Kaufmann, Lara

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Tue, Mar 26, 2013 at 3:11 PM  
**Subject:** RE:  
**To:** "[REDACTED]"

My only question is that if a school receives federal funding, then title IX supercedes a school's attendance policy.

That was my question??

On Mar 26, 2013 4:58 PM, [REDACTED] wrote:

Brandi,

Please find the attendance policy attached. Unfortunately, child birth is not currently listed as an event for which attendance is excused. Please refer to page 76 of the Student Handbook (link attached) to review the policy.

<http://www.logan.edu/mm/files/StudentServices/2012-student-handbook.pdf>

I would also request that you review the attendance portion of the syllabus for each class as well, as #1 of the attendance policy notes that 'more detailed information concerning attendance may become part of the syllabus or covered on the first day of class'.

---

Please let me know if you have additional questions.

DP

---

**From:** [REDACTED]  
**Sent:** Tuesday, March 26, 2013 4:38 PM  
**To:** [REDACTED]  
**Subject:** Fwd:

Could you please look it over and get back with me asap. I do not think I can be counted absent for pregnancy/delivery.

----- Forwarded message -----

**From:** [REDACTED] "**[REDACTED]**"  
**Date:** Mar 15, 2013 3:57 PM  
**Subject:** Fwd:  
**To:** [REDACTED]

Hi Dr. Paine,

I hope this finds you well. I am having an emergency c-section within the hour. Please see the document below. It will prevent attendance failure.

Keep your fingers crossed for a healthy baby...

Brandi

----- Forwarded message -----

**From:** "**[REDACTED]**"  
**Date:** Mar 13, 2013 10:11 PM  
**Subject:**  
**To:** "**[REDACTED]**"

[http://www.nwlc.org/sites/default/files/pdfs/pps\\_faq\\_at\\_dr\\_10.24.12.pdf](http://www.nwlc.org/sites/default/files/pdfs/pps_faq_at_dr_10.24.12.pdf)

---

---

# Exhibit J

---



Σ

 **Washington University in St. Louis**

**SCHOOL OF MEDICINE**

**Maternal-Fetal Medicine Division**

03/27/2013

RE: BRANDI KOSTAL

██████████

To Whom it May Concern:

Brandi Kostal is a patient within the high-risk obstetrical practice of Methodius Tuuli, M.D. of Washington University School of Medicine at the Center for Advanced Medicine. Brandi delivered via unplanned cesarean section on March 15, 2013. She will be incapacitated for recovery from March 15, 2013 through May 10, 2013. Please feel free to call 314-747-1336 with any questions.

Sincerely,

Methodius G. Tuuli, M.D.  
Assistant Professor of Obstetrics & Gynecology

---



# **Exhibit K**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 30, 2013 11:49 PM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: 13\_SP\_MSN5020\_ONL: Final notice! Dr. Davis

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

----- Forwarded message -----

**From:** [REDACTED] <[REDACTED]>  
**Date:** Mon, Jul 29, 2013 at 10:10 AM  
**Subject:** FW: 13\_SP\_MSN5020\_ONL: Final notice!  
**To:** [REDACTED]

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

**From:** [REDACTED]  
**Sent:** Thu 4/25/2013 11:36 AM  
**To:** B [REDACTED]  
**Subject:** RE: 13\_SP\_MSN5020\_ONL: Final notice!

Hi Brandi,

I made a request to the department and registrar on your behalf because I know you had qualifying extenuating circumstances, however, unfortunately you do not qualify for an incomplete in either course according to school policy because you do not have "performance at a passing level".

I hope you and baby are doing well and the work you were able to complete will be helpful if you take the courses again in the future.

Michelle

---

Michelle M Davis  
Faculty  
Nutrition and Human Performance  
Logan College of Chiropractic /University Programs

Email: [REDACTED]  
Web: [www.logan.edu](http://www.logan.edu)

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

From: [REDACTED]

[REDACTED]

[REDACTED]

Subject: Re: 13\_SP\_MSN5020\_ONL: Final notice!

Hi Michelle,

I hope you have been well. As you might have guessed, it has been a nightmare this semester. I had to go back 1.5 weeks after my c-section and it has dramatically delayed my healing.

I have a week off starting this Friday. A few professors are giving me a grade of incomplete so that I can finish everything. Can you please submit an "I" in both courses for the semester and I will wind this up during my week off.

I maintain above a 3.0 taking 40 credit hours typically, so I am a good student. Having a c-section mid semester was just a lot more difficult than I anticipated.

Please let me know and thank you. I enjoyed the discussions for both courses.

Brandi Kostal

----- Reply message -----

From: [REDACTED]

To:

Subject: 13\_SP\_MSN5020\_ONL: Final notice!

Date: Tue, Apr 23, 2013 8:46 am

Final notice!

Hi Everyone....just a reminder that today is the last day to complete the final exam. It must be submitted by midnight.

I really enjoyed this term and we had a terrific group!!! Best wishes for the future!

Michelle

---

---

# **Exhibit L**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 11:15 AM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: MSN courses

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mon, Jul 29, 2013 at 8:09 AM  
**Subject:** FW: MSN courses  
**To:** [REDACTED]

----- Forwarded message -----

**From:** "[REDACTED]" [REDACTED]  
**Subject:** MSN courses  
**Date:** Thu, Apr 25, 2013 12:13 pm

----- Forwarded message -----

**From:** B [REDACTED]  
**Cc:**  
**Date:** Thu, 25 Apr 2013 12:13:51 -0500  
**Subject:** MSN courses  
Hi Mr. Jaffry,

I hope this finds you well. I requested an incomplete in the two Master's courses I have been registered in over the course of this semester.

It was denied, as you know, due to not having passing performance in either course. My current non-passing performance is due to my not being able to complete the assignments by the deadline, NOT by the fact that I took an exam or exam(s) and failed. I had an A in one of the courses and a B in the other course prior to a complicated c-section. During this time and my recovery, exams came due online that I was unable to even start or complete.

I came back to school 1.5 weeks later to avoid attendance failure and I have been trying to get caught up, recover from major abdominal surgery, get my numbers in clinic and care for a brand new baby.

It is a bit ridiculous and quite unfair that after spending so much money at Logan each semester and maintaining above a 3.0 that the University would choose this course of action rather than choose to do the right thing and grant an incomplete in both MSN courses so that I can complete both courses over the only downtime I have had since giving birth, which is this next week that I have off of school.

I ask you to reconsider this decision. If an incomplete is not granted I will be dropping out of the MSN program and will not continue forward. These online courses are designed for students who cannot be on campus and have other circumstances in their lives. I feel that it is unjust to penalize me for needing more time due to major

---

surgery. I can promise you I have been pushing myself above and beyond to meet and comply with all of my requirements under the circumstances I have been under.

---

Respectfully,  
Brandi Kostal

---



# **Exhibit M**

---



**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 11:15 AM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: 13\_SP\_MSN5020\_ONL: Final notice!

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mon, Jul 29, 2013 at 8:06 AM  
**Subject:** FW: 13\_SP\_MSN5020\_ONL: Final notice!  
**To:** [REDACTED]

----- Reply message -----

**From:** "[REDACTED]"  
**Subject:** 13\_SP\_MSN5020\_ONL: Final notice!  
**Date:** Thu, Apr 25, 2013 3:36 pm

Brandi,

I have forwarded your email appeal to Dr Chai the Department Chair. Dr. Chai will be following up with Dr. Davis. You may also appeal to Dr. Saubert who is also aware of your appeal.

John-Herbert Jaffry

Registrar

Division of Enrollment Management

Logan College of Chiropractic / University Programs

Ph: [REDACTED]  
[REDACTED]

Web: [www.logan.edu](http://www.logan.edu) <<http://www.logan.edu/>>

Connect with

Logan: <<http://www.facebook.com/loganchiro>> <<http://www.twitter.com/loganchirouniv>> <<http://www.youtube.com/loganuniversity>> <<http://www.linkedin.com/company/logan-college-of-chiropractic>>

From: [REDACTED]  
[REDACTED]

Subject: Fwd: 13\_SP\_MSN5020\_ONL: Final notice!

----- Forwarded message -----

From: [REDACTED]

Subject: 13\_SP\_MSN5020\_ONL: Final notice!

Date: Thu, Apr 25, 2013 11:39 am

---

---

# **Exhibit N**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 11:15 AM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: 13\_SP\_MSN5020\_ONL: Final notice!

----- Forwarded message -----

**From:** [REDACTED] <[REDACTED]>  
**Date:** Mon, Jul 29, 2013 at 8:06 AM  
**Subject:** FW: 13\_SP\_MSN5020\_ONL: Final notice!  
**To:** [REDACTED]

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

**From:** [REDACTED]  
**Sent:** Thu 4/25/2013 4:05 PM  
**To:** [REDACTED] L  
**Subject:** RE: 13\_SP\_MSN5020\_ONL: Final notice!

You can send an appeal directly to Dr. Saubert, [REDACTED]. He is the Academic Vice President for Logan. Include in your appeal all the details, reasons why you are appealing and include in your appeal specific reasons why assignments were missed, dates, etc. I would also explain in the appeal what you told me about when you were in my office so he has a complete picture.

John-Herbert Jaffry  
Registrar  
Division of Enrollment Management  
Logan College of Chiropractic / University Programs

[REDACTED]  
[REDACTED]  
Web: [www.logan.edu](http://www.logan.edu)

Connect with Logan:

---

SCIENCE AND NATURE ALIGNED IN BALANCE

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

**From:** [REDACTED]  
[REDACTED]  
[REDACTED] y  
**Subject:** Re: 13\_SP\_MSN5020\_ONL: Final notice!

---

How exactly do I appeal to Dr. Saubert?

I greatly apologize as her email to me made it appear as if she appealed to you on my behalf describing the circumstances and it was flat out denied.

Do you think this will be resolved soon as I will need to drop out of the MSN program if I am not allowed to finish the courses.

Thank you.

----- Reply message -----

From: [REDACTED]  
[REDACTED]  
Subject: 13\_SP\_MSN5020\_ONL: Final notice!  
Date: Thu, Apr 25, 2013 3:36 pm

Brandi,

I have forwarded your email appeal to Dr Chai the Department Chair. Dr. Chai will be following up with Dr. Davis. You may also appeal to Dr. Saubert who is also aware of your appeal.

John-Herbert Jaffry

Registrar

Division of Enrollment Management

Logan College of Chiropractic / University Programs

[REDACTED]  
[REDACTED]  
Web: [www.logan.edu](http://www.logan.edu) <<http://www.logan.edu/>>

Connect with

Logan: <<http://www.facebook.com/loganchiro>> <<http://www.twitter.com/loganchirouniv>> <<http://www.youtube.com/loganuniversity>> <<http://www.linkedin.com/company/logan-college-of-chiropractic>>

---

SCIENCE AND NATURE ALIGNED IN BALANCE

From: BRANDI.KOSTAL  
Sent: None  
To: [REDACTED]  
Subject: Fwd: 13\_SP\_MSN5020\_ONL: Final notice!

----- Forwarded message -----

From: [REDACTED]  
[REDACTED]" [REDACTED]  
Subject: 13\_SP\_MSN5020\_ONL: Final notice!  
Date: Thu, Apr 25, 2013 11:39 am

---



# **Exhibit O**

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 11:15 AM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: MSN courses

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mon, Jul 29, 2013 at 8:09 AM  
**Subject:** FW: MSN courses  
[REDACTED]

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

**From:** [REDACTED]  
**Sent:** Thu 4/25/2013 4:47 PM  
**To:** [REDACTED]  
**Subject:** Fwd: MSN courses

"You can send an appeal directly to Dr. Saubert, [REDACTED] He is the Academic Vice President for Logan. Include in your appeal all the details, reasons why you are appealing and include in your appeal specific reasons why assignments were missed, dates, etc. I would also explain in the appeal what you told me about when you were in my office so he has a complete picture."

Hi Dr. Saubert,

I hope this finds you well. I am directly appealing to you in regards to two denied incomplete MSN grade requests. I will forward the professor's email and below is my appeal to the registrar.

What Mr. Jaffry is referring to in his above email is that I was discussing with him how I have physically put myself through hell getting back to school 1.5 weeks after an emergency c-section to avoid attendance failure and I have worked exceptionally hard to get my numbers completed in clinic as well as finish a lot of other requirements while trying to physically recover from surgery and care for a newborn. Bottom line, I have been working above and beyond to come back (way too early) and complete my requirements.

I requested to finish both MSN courses over this next week that I have off. I am going to drop out of the MSN program if I am not allowed to complete these two courses.

Please see my appeal request below and I will forward the email from the professor.

Take care and enjoy your evening.

Brandi Kostal



---

----- Forwarded message -----

From: "[REDACTED]"  
To: "[REDACTED]"  
Subject: MSN courses  
Date: Thu, Apr 25, 2013 12:13 pm

----- Forwarded message -----

From: [REDACTED]  
[REDACTED]  
Cc:  
Date: Thu, 25 Apr 2013 12:13:51 -0500  
Subject: MSN courses  
Hi Mr. Jaffry,

I hope this finds you well. I requested an incomplete in the two Master's courses I have been registered in over the course of this semester.

It was denied, as you know, due to not having passing performance in either course. My current non-passing performance is due to my not being able to complete the assignments by the deadline, NOT by the fact that I took an exam or exam(s) and failed. I had an A in one of the courses and a B in the other course prior to a complicated c-section. During this time and my recovery, exams came due online that I was unable to even start or complete.

I came back to school 1.5 weeks later to avoid attendance failure and I have been trying to get caught up, recover from major abdominal surgery, get my numbers in clinic and care for a brand new baby.

It is a bit ridiculous and quite unfair that after spending so much money at Logan each semester and maintaining above a 3.0 that the University would choose this course of action rather than choose to do the right thing and grant an incomplete in both MSN courses so that I can complete both courses over the only downtime I have had since giving birth, which is this next week that I have off of school.

I ask you to reconsider this decision. If an incomplete is not granted I will be dropping out of the MSN program and will not continue forward. These online courses are designed for students who cannot be on campus and have other circumstances in their lives. I feel that it is unjust to penalize me for needing more time due to major surgery. I can promise you I have been pushing myself above and beyond to meet and comply with all of my requirements under the circumstances I have been under.

Respectfully,  
Brandi Kostal

---

---

# **Exhibit P**

---

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Monday, July 29, 2013 11:14 AM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: MSN

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mon, Jul 29, 2013 at 8:08 AM  
**Subject:** FW: MSN  
**To:** [REDACTED]

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

**From:** [REDACTED]  
**Sent:** Wed 5/1/2013 9:04 AM  
[REDACTED]  
**Subject:** MSN

Hi Mr. Jaffry,

I hope this finds you well. Have you possibly heard anything in regards to the two incomplete requests for the MSN courses?

I start clinic on Monday and I would like to have my schedule correct prior to starting back and the MSN program dropped by that date if I need to drop out of the program.

I hope that you are getting a chance to enjoy the weather.

Brandi Kostal

---



# Exhibit Q

---

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 30, 2013 5:44 PM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: FW: MSN course

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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

**From:** [REDACTED] i  
**Sent:** Wed 5/1/2013 10:07 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** MSN course

Brandi,

John Jaffry forwarded your emails to me regarding your grades for the two MSN courses with Dr. Davis. I fully support the decision made by Dr. Davis after I spoke with her. Therefore, the grades you received on "Survey of Natural Therapy" (MSN5100) and "Nutrition and Physical Performance" (MSN5020) will sustain. It is not in your and our program's best interest to give you "incomplete" on these two courses.

Sincerely,

Weiwen

Weiwen Chai, PhD

Director of Master's program in Nutrition and Human Performance

---

---

# Exhibit R

---

---

## Kaufmann, Lara

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 30, 2013 5:48 PM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: MSN Courses

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Wed, May 1, 2013 at 12:20 PM  
**Subject:** MSN Courses  
**To:** "[REDACTED]"  
[REDACTED]  
[REDACTED]  
[REDACTED]

Hi Dr, Chai,

I hope this finds you well. Thank you for your correspondence. I am a bit confused and will require further clarification in regards to the conflicting communication between you and Dr. Davis as the email I received from you and the email I received from Dr. Davis state opposing views as to the opinion of Dr. Davis in obtaining an incomplete grade in both master's courses.

Your email to me states the following, "I fully support the decision made by Dr. Davis after I spoke with her" (please see the entire email below received from you today). The email I received directly from Dr. Davis on Friday, April 26, 2013 states the exact opposite when she states the following, "I made a request to the department and registrar on your behalf because I know you had qualifying extenuating circumstances" (please see the entire email below received Friday, April 26).

I am confused, as according to Dr. Davis' email correspondence to me on Friday, April 26, it clearly states that the decision to deny the incomplete grades based on her making the "request to the department and registrar on my behalf due to qualifying extenuating circumstances," is your decision and was not her decision and/or her opinion.

I also find it very offensive that you would state that you know what is in my best interest, "It is not in your and our program's best interest to give you "incomplete" on these two courses." Regardless of your opinion on what is in the best interest of the program, your statement that it is not in MY best interest, quite frankly, is not for you to decide. To clarify, it would be the exact opposite. It is not in my best interest to not be able to complete both courses.

I will require complete clarification either in (written communication from you or in a formal meeting with you) in regards to the opposing emails and I will also require complete clarification in (written communication from you or in a formal meeting with you) as to how your decision was made to deny both mine and (according to

Dr. Davis (email to me) her request for incomplete grades in MSN5100 and MSN5020 due to my "qualifying extenuating circumstances" as the following under Title IX is my current understanding, according to what has been explained to me by the organization itself when an institution receives federal funding:

(please see embedded URL's)

**Does my school have to excuse my absences due to pregnancy, childbirth or abortion?**

Your school must excuse your absences due to pregnancy or any related conditions for as long as your doctor says it is necessary for you to be absent. This is true even if there is no leave policy for students with other conditions. When you return to school, you must be reinstated to the status you held before your leave. The school can require you to submit a doctor's note from you only if that is required of students with other medical conditions.

**Does my school have to let me make up the work I missed while I was absent?**

Yes, your school must let you make up the work you missed while you were out due to pregnancy or any related conditions, including recovery from childbirth. For example, if you have a doctor's note that excuses you from class for several weeks because you were on "bed rest" before giving birth, your school has to provide you with the appropriate assignments and information to make up all of the work you would have been required to complete while you were out.

**But what if my school says that absence/make-up work policies are up to each individual professor?**

While that may be the school's practice, the school administration and professors are bound by federal civil rights law. Title IX requires that schools ensure that all faculty and staff comply with the law and do not discriminate against pregnant and parenting students. An individual professor's policy is not okay if it breaks the law.

<http://www.nwlc.org/resource/pregnant-and-parenting-students-rights-faqs-college-and-graduate-students>

[http://www.nwlc.org/sites/default/files/pdfs/pps\\_faq\\_at\\_dr\\_10.24.12.pdf](http://www.nwlc.org/sites/default/files/pdfs/pps_faq_at_dr_10.24.12.pdf)

Respectfully,

Brandi Kostal

1. Email from Weiwen Chai, Wednesday, May 1, 2013

Brandi,

"John Jaffry forwarded your emails to me regarding your grades for the two MSN courses with Dr. Davis. I fully support the decision made by Dr. Davis after I spoke with her. Therefore, the grades you received on "Survey of Natural Therapy" (MSN5100) and "Nutrition and Physical Performance" (MSN5020) will sustain. It is not in your and our program's best interest to give you "incomplete" on these two courses."

Sincerely,

Weiwen

Weiwen Chai, PhD  
Director of Master's program in Nutrition and Human Performance



---

2. Email from Dr. Davis, Friday, April 26, 2013

Hi Brandi,

"I made a request to the department and registrar on your behalf because I know you had qualifying extenuating circumstances, however, unfortunately you do not qualify for an incomplete in either course according to school policy because you do not have "performance at a passing level ".

I hope you and baby are doing well and the work you were able to complete will be helpful if you take the courses again in the future."

Michelle

Michelle M Davis

Faculty  
Nutrition and Human Performance  
Logan College of Chiropractic /University Programs

Email: [REDACTED]

Web: [www.logan.edu](http://www.logan.edu)

SCIENCE AND NATURE ALIGNED IN BALANCE

3. Email from Dr. Davis, March 21, 2013

Hi Brandi,

Thanks for letting me know and I hope everyone is ok! Just send me an email when you have completed the work and focus on recovering :)

Michelle

Michelle M Davis  
Faculty  
Nutrition and Human Performance  
Logan College of Chiropractic /University Programs

Email: [REDACTED]

Web: [www.logan.edu](http://www.logan.edu)

---

SCIENCE AND NATURE ALIGNED IN BALANCE

---



# **Exhibit S**

---

**Kaufmann, Lara**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 30, 2013 5:47 PM  
**To:** Kaufmann, Lara  
**Subject:** Fwd: MSN Courses

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

----- Forwarded message -----

**From:** [REDACTED] <[REDACTED]>  
**Date:** Wed, May 1, 2013 at 12:31 PM  
**Subject:** RE: MSN Courses  
**To:** B Kostal [REDACTED]

Brandi,

As I mentioned in my pervious email: Based on my conversations with Dr. Davis and other factors, my decision is that It is not in your and MSN program's best interest to give you "Incomplete" for your two MSN courses with Dr. Davis. Therefore, the grades you received for these two courses will sustain. I would be happy to meet with you; however, the meeting will not change my decision regarding this situation. Thanks.

Weiwen

---

**From:** [REDACTED]  
**Sent:** Wednesday, May 01, 2013 12:20 PM  
**To:** Weiwen.Chai  
**Cc:** [REDACTED]  
**Subject:** MSN Courses

Hi Dr, Chai,

---

---

# Exhibit T

---

---



selfserve.logan.edu/SelfService/Records/GradeReport.aspx?termPeriod=45


Search

Neuro Lecture ▾ EVMS ▾ John ▾ Logan ▾ Etc ▾

Self-Service - Links



Self-Service - Grade Report - 2013/Spring



Welcome (Student) (logout)

Cart Help Log Out Logout

Home

Registrar

Classes

Clinic

Finances

Grades

Search

My Profile

Links

[Medical Transcript](#) [Grade Report](#)

**Options** ▾

Period: 2013Spring

**Grade Report - 2013/Spring**

Sequence 001

Session	Course	Name	Credits	Quality Points	Numerical Grade	Final Grade	Comments
01-DC and Masters	BS07001_01 Lecture	Research Methodology	8.00		A	A	
01-DC and Masters	CH07000 Lecture	Professional Development	6.00			P	
01-DC and Masters	CH07310 Lecture	Soft Tissue Technique	4.00		A	A	
01-DC and Masters	CH07311 Lecture	Introduction to Gonstead Technique	8.00		J	A	
01-DC and Masters	CH07312 Lecture	Applied Kinesiology Technique	6.00		B	B	
01-DC and Masters	CH07402 Lecture	Physical Therapy II	10.50		B	S+	
01-DC and Masters	CH07504_02 Lecture	Patient Communication Skills	8.00		B+	A	
01-DC and Masters	CH90615 Special Technique	Gonstead Tech./Soft Tissue Tech.	12.00		A	A	
01-DC and Masters	CL07306 Lecture	Gastrointestinal & Urogenital Diagnosis	15.00		J	B	
01-DC and Masters	CL07309 Lecture	Endocrinology	5.00		D+	C+	
01-DC and Masters	CL07319 Lecture	Genetics	6.00		A	A	
01-DC and Masters	CL07905_02 Lecture	Diagnostic Imaging III	10.00		J	C	
01-DC and Masters	H007504 Practicum	Health Center Practicum III	6.00		S	P	
01-DC and Masters	MENS020 Lecture	Nutrition & Physical Performance	6.00		F	F	
01-DC and Masters	MENS100 Lecture	Survey of Natural Therapies	6.00		F	F	

	Credits	GPA	Awards
Attempted:	40.00	Term:	Term:
Earned:	34.00	Overall:	Overall:

	Credits	GPA	Awards
Attempted:	40.00	Term:	Term:
Earned:	34.00	Overall:	Overall:

PowerCalendar® Self-Service 8.3.1 - Copyright 1995 - 2012 Florida Career College, L.P. and its affiliates

---



# **Exhibit U**

---

B. LANE HASLER, P.C.

1530 South State, 17A  
Chicago, Illinois 60605

  
www.blhpc.com

May 6, 2013

Via US Mail and Email

Dr. Weiwen Chai, PhD  
Logan College of Chiropractic  
1851 Schoettler Road  
Chesterfield, Missouri 63017

Re: **Student Brandi Kostal**  
**Request For Administrative Action**

Dear Dr. Chai:

I am counsel for Brandi Kostal, a current student at Logan College of Chiropractic ("Logan").

As you know, Brandi was not allowed to complete two masters level classes after accommodations were not made for her to make up work missed due to her pregnancy, delivery and post-delivery medical complications.

Logan's actions violate Title IX - the federal law that prohibits sex discrimination in education.

An almost identical situation was recently resolved at the City University of New York ("CUNY") which refused to allow a pregnant student to make up tests or assignments which were not completed on time due to pregnancy-related absences, including labor and delivery. The student filed a complaint with the United States Department of Education's Office for Civil Rights. Last week CUNY agreed to settle that complaint by, among other things, (1) allowing the affected student to complete the courses; (2) reimbursing her for expenses; and (3) adopting a new university-wide policy addressing the rights of pregnant and parenting students under Title IX, conduct training on Title IX for its faculty, and including the policy in its student handbook.

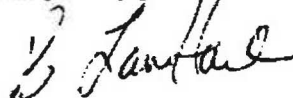
Dr. Weiwen Chai, PhD  
May 6, 2013  
Page 2

At this point, it is still possible to rectify the situation by correcting Brandi's academic record and allowing her an extension of time to complete her coursework prior to the start of the next term.

Since this matter must be resolved promptly in order for Brandi to be able to complete her coursework this term, I request that you arrange for the proper person to contact Brandi by noon on Wednesday, May 8, 2013 to make the necessary arrangements for her to complete the coursework.

Please call [REDACTED] or email me [REDACTED] should you have any questions or wish to discuss other options to address this situation.

Very truly yours,



B. Lane Hasler



---

---

# **Exhibit V**

---

---

Wednesday, May 8, 2013 5:58:04 AM Central Daylight Time

**Subject:** RE: Brandi Kostal - Request For Administrative Action  
**Date:** Monday, May 6, 2013 9:37:37 PM Central Daylight Time  
**From:** [REDACTED]  
**To:** [REDACTED]  
[REDACTED]

Dear Lane Hasler,

I am out of town until Monday. You need to contact Dr. Carl Saubert, Vice president of Academic Affair regarding this matter. Thanks.

Sincerely,

Weiwen Chai

Weiwen Chai, PhD  
Director of Masters Program in Nutrition and Human Performance

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

**From:** [REDACTED]  
**Sent:** Mon 5/6/2013 6:20 AM  
**To:** [REDACTED]  
**Subject:** Brandi Kostal - Request For Administrative Action  
Dear Dr. Chai

The attached letter is in Adobe format.

Very truly yours,

Lane Hasler

---



# **Exhibit W**

---

# LOGAN

COLLEGE OF CHIROPRACTIC  
UNIVERSITY PROGRAMS

Via email [REDACTED]



May 7, 2013

B. Lane Hasler, P.C.  
1530 South State, 17A  
Chicago, Illinois 60605

**RE: In the matter of Brandi Kostal – proposed resolution, no admission of liability**

Dear Ms. Hasler,

Logan disputes the facts as you have written. Logan was well aware of Ms. Kostal's upcoming "at-risk" delivery and advised her to take a lighter course load before the trimester began. She refused. Weeks after the delivery and her return to classes, Ms. Kostal brought to Student Services a note from her physician stating she should not have returned and was not cleared to return to classes. Instead of following her doctor's instructions she asked Logan to ignore the letter and allow her to continue her coursework as enrolled. Indeed, Ms. Kostal indicated to Logan's Student Services that she did not want any accommodations to her coursework due to her pregnancy, delivery and recovery. She refused accommodations to withdraw her from her courses without penalty based on absences.

Even with her delivery and recovery, Ms. Kostal successfully completed eight courses (25 credits). She also worked with instructors of another five courses to allow her to complete coursework during the period allowed for incompletes.

As far as the two on-line courses which she failed – at some point Ms. Kostal stopped participating. She stopped communicating to her instructor and stopped responding to communications. She earned Fs in the 2 courses

In an effort to compromise, Logan is offering to withdraw Ms. Kostal from the two courses (MSN5020 and MSN 5100) without notation of pass or fail. This offered "W" has no effect on GPA and is generally only allowed within the first two weeks of a trimester. Should Ms. Kostal wish to re-enroll in the courses, she would follow the normal registration and tuition assessment process. Logan offers this compromise without admitting any liability.

Please tell us whether Ms. Kostal has accepted Logan's offer by Friday, May 10<sup>th</sup>. Otherwise the two Fs in MSN5020 and MSN 5100 will remain on her transcript.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura L. McLaughlin".

Laura L. McLaughlin  
General Counsel

Cc: Dr. Carl Saubert, VP Academic Affairs

LOGAN  
COLLEGE OF CHIROPRACTIC  
UNIVERSITY PROGRAMS  
1530 SOUTH STATE, 17A  
CHICAGO, ILLINOIS 60605  
TEL: 312.467.1444  
WWW.LOGANCOLLEGE.EDU

---

---

# **Exhibit X**

---

---

B. LANE HASLER, Esq.

1530 South State, 17A  
Chicago, Illinois 60605

May 15, 2013

Via US Mail and Email  
Logan College of Chiropractic  
1851 Schoettler Road  
Chesterfield, Missouri 63017  
Attn: Laura L. McLaughlin, Esq.

Re: **Student Brandi Kostal**  
Requested Corrective Actions

Dear Ms. McLaughlin:

As you know, I represent Brandi Kostal, a current student at Logan College of Chiropractic ("Logan").

Your May 7, 2013 letter confirms that Brandi was given failing grades in two masters level classes after accommodations were not made for her to make up work missed due to her pregnancy, delivery and post-delivery medical complications. The only solution to this situation that you propose is to remove the "F" grades and allow her to retake the classes next year if she pays again.

This is not acceptable.

Your May 7, 2013 letter did not address either Logan's violation of Title IX - the federal law that prohibits sex discrimination in education - or the almost identical situation which was recently resolved at the City University of New York ("CUNY") as identified in my May 6, 2013 letter. The email from Logan to Brandi flatly stating that pregnancy is not a recognized absence is exhibit 1 of Logan's violation of Title IX.

I had hoped to have a dialogue with Logan representatives in order to achieve a mutually beneficial resolution that restores Brandi to a position of being able to complete her education and allows Logan to avoid future violations of Title IX. Your May 7, 2013 letter, however, moves past a discussion of possible options and offers just one small concession.

192

Laura L. McLaughlin, Esq.  
May 15, 2013  
Page 2

Thus, in order to see if there is any opportunity for a consensual resolution, I must now outline Brandi's proposed resolution.

Brandi requests that Logan take the following actions:

- (1) remove the "F" grades on the two masters level courses;
- (2) allow her to resume the two masters level courses this term and complete them by July 31, 2013;
- (3) restore any grade deductions in other classes taken because of her pregnancy-related absences;
- (4) reimburse her costs incurred in resolving this situation;
- (5) adopt a new university-wide policy addressing the rights of pregnant and parenting students under Title IX;
- (6) conduct faculty training on Title IX; and
- (7) include this new policy in the student handbook.

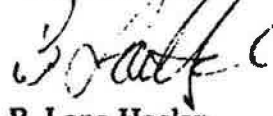
If Brandi's personal situation is to be solved this term, Logan must do items 1 - 3 above by May 17, 2013. The balance of the issues may be resolved in due course.

Since this is a matter for potential litigation, you must not destroy any documents relating to this subject matter including, but not limited to, documents relating to Brandi, Logan's policies regarding excused absences, Logan's files regarding any other current or former students who have had pregnancy related absences. This litigation hold must last until the later of entry of a final order closing any governmental investigation or public or private litigation or March 1, 2019 which is approximately 7 years after this situation first became known to Logan. Documents include paper documents and computer files.

Laura L. McLaughlin, Esq.  
May 15, 2013  
Page 3

Please call [REDACTED] should  
you have any questions or wish to discuss other options to address this  
situation.

Very truly yours,



B. Lane Hasler

cc: Brandi Kostal  
National Women's Law Center



---



# **Exhibit Y**

---

**From:** [REDACTED]  
**Date:** May 21, 2013, 8:00 AM  
**To:** "BRANDI.KOSTAL" [REDACTED]  
**Subject:** Academic Accommodations

2

Hi Brandi,

I wanted to connect with you to determine if there are academic accommodations that you need, or anticipate for the current academic term. I am happy to discuss and assist.

Please advise.

Thank you.

**James Paine, Ph.D.**  
Dean, Student Services  
Division of Enrollment Management  
Logan College of Chiropractic / University Programs

**Ph:** [REDACTED]  
[REDACTED]

**Web:** \_\_\_\_\_

Connect with Logan:   

---

---

# **Exhibit Z**

---

---

From: [REDACTED]  
Sent: Thu 5/22/2013 9:50 PM

To: [REDACTED]  
Subject: RE: Academic Accommodations

Dr. Paine,

I appreciate your email asking what can be done to resolve my situation. I have already outlined the requested actions in the attached letter dated May 15 sent to Laura McLaughlin, Logan's general counsel.

Please send me an updated transcript showing the two "F" grades removed and all reductions in other courses assessed due to absences removed and the grades restored. I will also need a letter to the professors confirming that I may resume the two masters classes to completion. This will allow me to get back on track with my coursework. Please let me know to whose attention I should send my request for reimbursement of my costs.

Once this is completed, we can discuss the rest of the request since these actions will obviously take some time to implement.

Sincerely,

Brandi Kostal