

**IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
COLORADO**

Civil Action No.      23-CV-00606-RMR-STV \_\_\_\_\_  
(To be supplied by the court)

Cesca Dixon \_\_\_\_\_, Plaintiff

<sup>v</sup>  
The Board of Trustees of the Metropolitan State  
University of Denver Colorado

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, Defendant(s).

*(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)*

\_\_\_\_\_

**COMPLAINT**

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**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.**

**A. PLAINTIFF INFORMATION**

*You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.*

Cesca Dixon 1165 S. Broadway, Apt. 215, Denver, Colorado 80210

---

(Name and complete mailing address)

720.357.1960; cescadixon80203@gmail.com

---

(Telephone number and e-mail address)

**B. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."*

Defendant 1: Metropolitan State University of Denver, 890 Auraria Pkwy, Denver, CO 80202

---

(Name and complete mailing address)

303-615-1900; dfine@msu.edu

---

(Telephone number and e-mail address if known)

Defendant 2:

---

(Name and complete mailing address)

---

(Telephone number and e-mail address if known)

Defendant 3:

---

(Name and complete mailing address)

---

(Telephone number and e-mail address if known)

Defendant 4:

---

(Name and complete mailing address)

---

(Telephone number and e-mail address if known)

**C. JURISDICTION**

*Identify the statutory authority that allows the court to consider your claim(s): (check one)*



Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

Federal Rehabilitation Act of 1973 Section 504 and Americans with Disabilities Act

Title II; Discrimination; Failure to Accommodate and Denial of Access and Opportunity; Intentional Infliction of Emotional Distress/Deliberate Indifference (Violation of Civil Rights under Title II)



Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of United States of America.

If Defendant 1 is an individual, Defendant 1 is a citizen of United States of America.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of \_\_\_\_\_ (name of state or foreign nation).

Defendant 1 has its principal place of business in \_\_\_\_\_ (name of state or foreign nation).

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*



**D. STATEMENT OF CLAIM(S)**

*State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

CLAIM ONE: \_\_\_\_\_

Supporting facts:

**Jurisdiction:**

This court has jurisdiction over this matter based on the Federal Rehabilitation Act of 1973 Section 504; the Americans with Disabilities Act Title II and Personal Injury: Intentional Infliction of Emotional Distress under Title II. This court has jurisdiction over this matter as it is based on protection from discrimination under the Federal Rehabilitation Act of 1973, Section 504 and the Americans with Disability Act, Title II (35.130); under Supplemental Jurisdiction this court also has jurisdiction over Personal Injury: Intentional and/or Reckless Infliction of Emotional Distress as this is directly related to the discrimination and deliberate indifference of Plaintiff under Title II; and when the court sees fit. Defendant has been repeatedly discriminated against and denied disabled Plaintiff rights, accommodations, and access to services and programs. Plaintiff is protected under these laws.

1. Plaintiff and Defendant live in the state of Colorado.

**Plaintiff Protected Class:**

1. Plaintiff, Cesca Dixon is a 23-year-old Mexican American/African American. Plaintiff is a qualified student with a disability, diagnosed with Autism (social anxiety; heightened sensory sensitivity; inability to think clearly when under stress) (28 C.F.R. Part 35.108(a) (1) in 2022 and protected under Section 504 of the Federal Rehabilitation Act. Ms. Dixon is a full-time Applied Mathematics major at the Metropolitan State University of Denver since 2020.

**Defendants:**

1. Metropolitan State University of Denver (MSU) where Plaintiff is enrolled in Spring Semester of 2023 and where incidents of discrimination based on disability, exclusion

from participation, and intentional infliction of emotional distress took place in August 2022-January 2023.

2. The following individuals were participants in the acts of discriminatory acts against plaintiff but are not listed as defendants, however, all acting in their official capacity: Sheriff Rasheed, Accessibility Coordinator, Access Center, MSU; Dr. Elizabeth McClellan Ribble, PHD, Mathematics Chair, MSU; Edward Brown, Chief of Staff, Office of The President, MSU.

## Introduction:

Plaintiff, Cesca Dixon, has attended Metropolitan State University of Denver since 2019. Plaintiff declared her major in 2020 in Applied Mathematics. In August 2022 plaintiff contacted the Access Center to secure ~~an additional~~ reasonable accommodation-~~(she already has later due date for assignments and longer test times)~~. As plaintiff was diagnosed with Autism, a qualified disability under ADA, in August 2022 and had recently been through ~~had~~ two traumatic experiences which heightened her anxiety, she sought to have two of her math classes permitted to be taken remotely. Plaintiff successfully completed all semesters in-class between 2018 and March of 2020 prior to diagnosis of Autism.

Plaintiff had numerous discussions with Shariff Rasheed, Accessibility Coordinator for the Access Center, regarding the accommodation she was seeking. At the request of Mr. Rasheed, the plaintiff provided him with her 34-page diagnosis in August 2022. At which time plaintiff was told to register for her classes. Plaintiff registered for MTH 3420 Differential Equations and MTH 3100 Intro to Mathematical Proofs.

After following the advice of Mr. Rasheed, being demeaned by the Chair of the Mathematics Department, providing another document (a letter from Plaintiff's psychiatrist) requested by Rasheed. Plaintiff was denied the reasonable accommodation, was not included in the discussions with the Chair and Access Department, nor was she afforded any potential alternatives that might have been suitable. Mr. Rasheed emailed denial letter to Plaintiff on January 4, 2023

**Claim 1:** Federal Rehabilitation Act Section 504 & Title II of the Americans with Disabilities Act

### A. Discrimination based on disability by Deliberate Indifference.

Plaintiff was discriminated against by being told the Math Department was not the one for her because of her needs and being excluded from available accommodations. In November 2022 Plaintiff sent her class schedule and diagnosis to Rasheed. Subsequently, in December 2022 Mr. Rasheed told Plaintiff to contact the math department and speak with the Chair and professors, however, Plaintiff knew that she would have no redress if they denied her request. Plaintiff contacted her advisor, Leah Butler, M.A. Academic Advisor II Department of Mathematics.

Plaintiff explained to Ms. Butler what the Access Center instructed her to do. Plaintiff sent Butler several emails and had phone conversations with her, expressing what she needed in terms of the accommodation of attending the math classes remotely. Plaintiff was careful to clarify during conversations, to Mr. Rasheed and Ms. Butler, that attending remotely could take many forms including but not limited to: Teams, Zoom, the professors' computer, a cell phone, transcripts, a recording. Ms. Butler then passed the information and the request to Dr. Ribble, Mathematics Chair.

2. On December 19, 2022, Plaintiff had a tele appointment with Mr. Rasheed to try again to see if he would, as an accessibility coordinator, work with the department. Mr. Rasheed told Ms. Dixon to speak with the math department.
3. Plaintiff emailed Ms. Butler on December 19<sup>th</sup> at 3:20 p.m. to say that she was simply requesting to have a phone or computer propped up in the classroom. Ms. Butler then sent an email to Dr. Ribble at 3:37 p.m. requesting that she respond to Plaintiff's accommodation inquiry and Butler sent Plaintiff's Autism Diagnosis document as well. Dr. Ribble responded to Plaintiff at 3:58 p.m.
4. Dr. Ribble, after being informed of Plaintiff's Autism status, conveyed to Plaintiff that she just had to ask the professors if they would be willing to comply with her request. Finally, Dr. Ribble injured and discriminated against the Plaintiff by stating "if you need to take all of your math classes remotely, our math major may not be the program for you." Dr. Ribble also mentioned that none of the upper division courses were offered online. However, Plaintiff was registered for MTH 3420 Differential Equations (which is one of the classes in question for Spring 2023) in the Fall of 2021 but had to drop. Prior to dropping the class Plaintiff received an email from the professor (then) with a link to the online version of the class. That class was made available to all students via Canvas, an online learning and teaching platform that makes in-class content available online and is widely used. Plaintiff felt as though the department just didn't want to be bothered with her and she was the only one with Autism in the department to ever request such a thing.

Shortly after, Plaintiff's mother contacted Dr. Ribble regarding her contact with her daughter. Ms. Dixon stressed the manner in which plaintiff sought to attend classes remotely. Ms. Dixon also expressed her dismay at how Dr. Ribble treated her daughter.

5. Plaintiff and her mother contacted Mr. Rasheed on December 20, 2022, to update him on how the suggestion to speak with the department fared. At the end of the conversation Mr. Rasheed said that he would talk to the Math Chair and the professors but told Plaintiff to supply more documentation (Plaintiff emailed statement from her psychiatrist on December 23, 2022). Plaintiff contacted the Access Center on January 3, 2023. On January 4, 2023, Mr. Rasheed emailed the denial of Plaintiff's reasonable accommodation request. Rasheed stated that the school did not have the technology to make classes available via any other than the in-class method; and that no classes in mathematics are offered online. Mr. Shareef failed to demonstrate how the request financially burdened the university. Mr. Rasheed also did not

speak with Dr. Harder and Dr. McKenna, getting their opinion, prior to sending denial letter. Dr. Harder responded on January 5, 2023 and Dr. McKenna responded at 11:39 P.M. January 4, 2023. Apparently, their input was unimportant to Mr. Rasheed's decision-making process regarding Plaintiff's accommodation.

Plaintiff's mother sought help from another department. Ms. Dixon contacted the President's office and spoke with Edward Brown, Chief of Staff, via phone and email. Mr. Brown said he would investigate. Plaintiff never heard from him again.

6. Because classes were scheduled to start on January 17, 2023, Plaintiff was forced to drop all of her classes and register for classes that do not have anything to do with her goal of graduating with a BS. in Applied Mathematics.

**B. Exclusion: Failure to Accommodate and Denial of Access and Opportunity:**

7. Defendants demonstrated deliberate indifference in their failure to accommodate Plaintiff. Defendants were notified multiple times by Plaintiff and her mother that Plaintiff's federal rights were in danger of being violated. Defendants were also in possession of her formal diagnosis of Autism as well as documentation from Plaintiff's psychiatric provider detailing why in-class classes would be detrimental to Plaintiff's condition.

During the meeting between Mr. Rasheed, Dr. Ribble, and the professors in which they reached the decision to deny Plaintiff's request, Plaintiff was not included in the discussion and was not permitted to communicate her point of view for her future. Plaintiff experienced exclusion by virtue of the Access Center failing to offer any comparable alternative for accommodation sought.

Edward Brown, in his failure to communicate the outcome of his investigation and failure to require staff to act accordingly in favor of Plaintiff's rights and need for accommodation, demonstrated deliberate indifference. Mr. Brown was also made aware Plaintiff's rights were being violated.

8. By denying Plaintiff the requested accommodation Defendant excluded Plaintiff from fair and reasonable access to class content, specifically upper division math courses, which were made available to all students in 2020-2022.

**Claim 2: Personal Injury and Intentional Infliction of Emotional Distress**

**A. Emotional Distress and injury**

9. Having prior knowledge of Plaintiff's Autism diagnosis, Defendant acted willfully and with malice in statement made to Plaintiff that she was not a fit for the math department based on her need to attend classes remotely. The defendant demonstrated ~~willful conduct~~ demonstrated deliberate indifference by applying the same rationale to Plaintiff's future upper division math courses, thereby erasing any possibility that Plaintiff would be able to complete her degree in

Applied Mathematics at MSU. Defendant, by virtue of their action, communicated to Plaintiff that unless and until she miraculously healed from Autism and became socially “normal” she was not going to graduate from MSU with her degree in Applied Mathematics.

10. Defendant’s injurious comments; denying the reasonable accommodation request of Plaintiff; excluding Plaintiff from integral conversations prior to denial; as well as ~~excluding~~ denying Plaintiff ~~from~~ equal access to participation through the Access Center attendance modification policy further marginalized Plaintiff. As such, Plaintiff felt blocked from her right to pursue and succeed in higher education of her choice at MSU.

### **Statement of Entitlement to Punitive and Compensatory Damages**

Plaintiff suffers from Autism. With this diagnosis excessive bouts of anxiety are more prevalent during times of high stress and traumas. The incidents with MSU, specifically after reading the first email from Dr. Ribble and her subsequent emails, then being denied accommodation, brought on the following for the Plaintiff: panic attacks, loss of sleep, loss of appetite, and Plaintiff felt as if her heart was failing, and she was dying. Plaintiff had also given up on her pursuit of a B.S. degree in Mathematics. Plaintiff continues to have doubts that she will be able to move forward to advance degrees of her choice. Both are in the evidence file.

Plaintiff did contact Dr. Ribble directly after Dr. Ribble’s first response and communicated that her feelings had been hurt by the doctor saying Plaintiff did not belong in the math department based on her need for accommodation. Dr. Ribble never apologized for these statements after Plaintiff told her that her feelings had been hurt.

Plaintiff has attended MSU since 2019 and has accumulated \$30,000 in Student Loans and is seeking that amount doubled in compensatory damages.

Plaintiff is seeking punitive damages in the amount of \$700,000 for pain and suffering due to Intentional Infliction of Emotional Distress and Discrimination based on Disability.

CLAIM TWO: \_\_\_\_\_

Supporting facts:

**Click to File Additional Claim - Page will appear at end of document**

**E. REQUEST FOR RELIEF**

*State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as “E. REQUEST FOR RELIEF.”*

**F. PLAINTIFF’S SIGNATURE**

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

*Cesca Dixon*  
(Plaintiff’s signature)

June 5, 2023  
(Date)

(Revised December 2017)



**Metropolitan State University of Denver**  
Campus Box 01, P.O. Box 173362 | Denver, CO 80217-3362  
303.605.7448 (office)  
919.749.5466 (cell)  
[ebrow100@msudenver.edu](mailto:ebrow100@msudenver.edu) | [www.msudenver.edu](http://www.msudenver.edu)

Need to schedule an appointment, check my availability [here](#)



**From:** jennifer dixon <[kitty80203@yahoo.com](mailto:kitty80203@yahoo.com)>  
**Sent:** Monday, December 19, 2022 5:44 PM  
**To:** President, Davidson <[presidentdavidson@msudenver.edu](mailto:presidentdavidson@msudenver.edu)>  
**Subject:** [EXTERNAL] Cesca Dixon 900943266: Autistic student derogatory treatment

**NOTICE:** This email originated from outside the University. Please exercise caution when replying or opening links and attachments.

My name is Jennifer Dixon, my daughter Cesca Dixon attends your school. I am forwarding my email to Dr. Ribble regarding the escapades, and I am not taking this lightly, of the math department today. That email will follow.

Cesca missed the last semester because FA never notified her of a balance due and would not give her a ledger copy to show the issue.

Now this. WHAT IS GOING ON IN YOUR SCHOOL?!!!

I have attached the email the good doctor sent my daughter.

Regards,

Jennifer Dixon

[Sent from Yahoo Mail on Android](#)

RE: [EXTERNAL] Cesca Dixon 900943266: Autistic student derogatory treatment

From: jennifer dixon (kitty80203@yahoo.com)

To: ebrow100@msudenver.edu

Date: Tuesday, December 20, 2022 at 10:34 AM MST

Hello Edward,

Thank you for replying. I'm not sure if you have read my response to Dr. Ribble or not, I forwarded it with same same subject line last evening. So, I will be as brief as possible here. Cesca Dixon is Autistic. She has been in her Applied Mathematics major for two years. We have been communicating with the access center for almost two months trying to resolve the issues of attending in-class classes remotely.

The Access Center, and now the math department, is in possession of Cesca's 32 page diagnosis. However, they told us to go to the department. Last month the department told us to go to the Access Center, which had already done.

Then my daughter received the email from Dr. Ribble yesterday telling her that the program at MSU, the program she has invested time and money in, may not be for her because of her need to attend remotely. Dr. Ribble continued by stressing upper division courses are not offered online, (which begs the question how on earth did MSU function during COVID?). This communication destroyed Cesca's confidence and her dream of completing her program (Injury).

My suggestion to the program and the Access Center was Teams, email recordings, or a TV monitor. Professors record classes anyway and make transcripts available. Why is it that Dr. Ribble took the injurious route she did, then further insulted with imojis while drastically altering Cesca's life path? Her attempt at clarification this morning did nothing to cure the trauma, and I am not being hyperbolic.

People with Doctorates holding high positions should be able to manage bringing a few people together to work out a situation rather than slamming doors shut on a person with autism.

What can your office with its agency accomplish with this situation?

I look forward to your response and thank you for your attention to this matter.

Regards,

Jennifer Dixon q

[Sent from Yahoo Mail on Android](#)

On Tue, Dec 20, 2022 at 9:29 AM, Brown, Edward  
<ebrow100@msudenver.edu> wrote:

**Ms. Dixon:**

Thank you for your recent correspondence to the Office of the President here at MSU Denver. While I see the screenshot of the email from Dr. Ribble, I am not certain as to what issue you are seeking assistance with. Please advise how I can be of assistance to you.

Sincerely,

Edward

**EDWARD J. BROWN, JR. | Chief of Staff**  
**Office of the President**

## Cesca Dixon 900943266 and Math Department

From: jennifer dixon (kitty80203@yahoo.com)

To: ebrow100@msudenver.edu

Date: Wednesday, December 21, 2022 at 04:08 PM MST

Hello Mr. Brown,

I realize we are barreling down on the holidays but wanted to let you about the following.

Dr. Ribble has responded to Cesca again (2X), once when Cesca was asking to be treated like she belongs in the program. Ribble continues to repeat talking to the professors.

The onus is not on the professors as Dr. Ribble assumes. The ADA stresses not to put it in the hands of professors because they may make a mistake that results in the university or the head of the department being sued. However, that is not where we are.

Cesca's situation is not as cut and dry as it may seem. Because of her disability if one of the professors decides they can't be bothered then Cesca has no recourse, which is why we have been working with the Access Center since October. But it is profoundly clear that people do not know what needs to be done and they do not care to work together in the best interest of the student.

To complicate matters further, I am disabled as well. I have a rare, terminal autoimmune disease (Mixed Connective Tissue Disease). Infections can kill me, thrush nearly did two years ago (excessive stress exacerbates my disease). Cesca has been my aide since 2019. Any Infection Cesca may pick up at the university puts my life at risk. After months without thrush it came back the day Dr. Ribble emailed my daughter.

I really hope you all can find a way to come together and work this out.

Again, thank you for your time and attention to this matter. Happy holidays.

Regards,

Jennifer Dixon

[Sent from Yahoo Mail on Android](#)

Again, thank you for your time and attention to this matter. Happy holidays.

Regards,

Jennifer Dixon

[Sent from Yahoo Mail on Android](#)



RE: [EXTERNAL] Cesca Dixon 900943266 and Math Department

From: Edward Brown (ebrow100@msudenver.edu)

To: kitty80203@yahoo.com

Date: Monday, January 9, 2023 at 01:17 PM MST

Ms. Dixon:

I am still researching this issue. You were going to send me the latest email you received. Would you forward that to me?

Edward

**From:** jennifer dixon <kitty80203@yahoo.com>  
**Sent:** Wednesday, December 21, 2022 4:08 PM  
**To:** Brown, Edward <ebrow100@msudenver.edu>  
**Subject:** [EXTERNAL] Cesca Dixon 900943266 and Math Department

**NOTICE:** This email originated from outside the University. Please exercise caution when replying or opening links and attachments.

Hello Mr. Brown,

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I really hope you all can find a way to come together and work this out.

RE: [EXTERNAL] Cesca Dixon 900943266 and Math Department

From: jennifer dixon (kitty80203@yahoo.com)

To: ebrow100@msudenver.edu

Date: Monday, January 9, 2023 at 02:03 PM MST

Hello Mr. Brown,

Great! Cesca did forward the email from Shareef Rasheed from the Access Center but I am forwarding it again. I am also forwarding her complete communications with Dr. Ribble. Thank you.

Jennifer Dixon

[Sent from Yahoo Mail on Android](#)

On Mon, Jan 9, 2023 at 1:17 PM, Edward Brown  
<ebrow100@msudenver.edu> wrote:

Ms. Dixon:

I am still researching this issue. You were going to send me the latest email you received. Would you forward that to me?

Edward

**From:** jennifer dixon <kitty80203@yahoo.com>

**Sent:** Wednesday, December 21, 2022 4:08 PM

**To:** Brown, Edward <ebrow100@msudenver.edu>

**Subject:** [EXTERNAL] Cesca Dixon 900943266 and Math Department

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Hello Mr. Brown,

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The onus is not on the professors as Dr. Ribble assumes. The ADA stresses not to put it in the hands of professors because they may make a mistake that results in the university or the head of the department being sued. However, that is not where we are.

Cesca's situation is not as cut and dry as it may seem. Because of her disability if one of the professors decides they can't be bothered then Cesca has no recourse, which is why we have been working with the Access Center since October. But it is profoundly clear that people do not know what needs to be done and they do not care to work together in the best interest of the student.



**Dixon, Cesca**

---

**From:** Dr. Elizabeth "Buffy" Ribble <emcclel3@msudenver.edu>  
**Sent:** Monday, December 19, 2022 3:58 PM  
**To:** Dixon, Cesca  
**Subject:** RE: Accommodation Inquiry for Cesca D. (900943266)

Hi Cesca, (Leah bcc'd to remove her from future conversation),

As Leah said, you can ask Drs. Harder and McKenna if they will allow you to attend remotely. We cannot guess how they will respond to your request – you just have to ask them! 😊




I can let you know that the department requires that exams be taken in-person. This means that even if the instructor says you can participate remotely in classroom activities, you would still have to come to campus to take your exams.

Ultimately, if you need to take all of your math classes remotely, our math major may not be the program for you. We do not offer any of our upper division math classes online and, unfortunately, I cannot guarantee that any or every instructor will allow an individual student to participate remotely.

I cannot do anything with the document you sent because our department does not assess the need for student accommodations. The Access Center is the only unit at MSU Denver that can determine what reasonable accommodations need to be made for a given student, so you'll have to provide the document to them.

Let me know if you have any other questions!

Best,  
Dr. Ribble

Elizabeth McClellan Ribble, Ph.D.  
Pronouns: She/They  
Professor of Statistics  
Chair, Mathematics and Statistics  
Metropolitan State University of Denver  
303.615.0752 | [emcclel3@msudenver.edu](mailto:emcclel3@msudenver.edu)  
Follow us!   

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**From:** Butler, Leah <lbutle14@msudenver.edu>  
**Sent:** Monday, December 19, 2022 3:37 PM  
**To:** Ribble, Elizabeth <emcclel3@msudenver.edu>  
**Cc:** Dixon, Cesca <cdixon22@msudenver.edu>  
**Subject:** Fw: Accommodation Inquiry for Cesca D. (900943266)

Good afternoon Dr. Ribble,

Cesca (copied) has provided a document (attached) and has a follow-up question regarding their previous inquiry. Can you please provide more information for them?

Please let me know if I may provide any additional information.



Re: Accommodation Inquiry for Cesca D. (900943266)

Dixon, Cesca <cdixon22@msudenver.edu>

Mon 12/19/2022 4:08 PM

To: Dr. Elizabeth "Buffy" Ribble <emcclel3@msudenver.edu>

Hi Dr. Ribble,

Thank you for your quick reply! I can't wait to speak with you all very soon. Have a wonderful holiday if you celebrate, and a good rest of the week.

Talk soon 😊,  
Cesca D.

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**From:** Ribble, Elizabeth <emcclel3@msudenver.edu>

**Sent:** Monday, December 19, 2022 3:57:41 PM

**To:** Dixon, Cesca <cdixon22@msudenver.edu>

**Subject:** RE: Accommodation Inquiry for Cesca D. (900943266)

Hi Cesca, (Leah bee'd to remove her from future conversation),

As Leah said, you can ask Drs. Harder and McKenna if they will allow you to attend remotely. We cannot guess how they will respond to your request – you just have to ask them! 😊

I can let you know that the department requires that exams be taken in-person. This means that even if the instructor says you can participate remotely in classroom activities, you would still have to come to campus to take your exams.

Ultimately, if you need to take all of your math classes remotely, our math major may not be the program for you. We do not offer any of our upper division math classes online and, unfortunately, I cannot guarantee that any or every instructor will allow an individual student to participate remotely.

I cannot do anything with the document you sent because our department does not assess the need for student accommodations. The Access Center is the only unit at MSU Denver that can determine what reasonable accommodations need to be made for a given student, so you'll have to provide the document to them.

Let me know if you have any other questions!

Best,  
Dr. Ribble

Elizabeth McClellan Ribble, Ph.D.

Pronouns: She/They

Professor of Statistics

Chair, Mathematics and Statistics

Metropolitan State University of Denver



**From:** Dixon, Cesca <[cdixon22@msudenver.edu](mailto:cdixon22@msudenver.edu)>  
**Sent:** Monday, December 19, 2022 4:48 PM  
**To:** Ribble, Elizabeth <[emcclel3@msudenver.edu](mailto:emcclel3@msudenver.edu)>  
**Subject:** Copy of Previous email, Cesca D.  
900943266

I did have a question as well actually,

I really don't understand what's happening here? To make personal remarks on my educational path, along with emoticons to top it all off is beyond unprofessional and honestly hurt my feelings.

I'm not even referring to the matter at hand, it seems everyone is confused so I will "just ask" a few more departments again.

That said, on a personal note, since we seem to like to visit that area. I'm already struggling, I just got that diagnosis and am navigating school with that. Asking for help should not be something that is used against me. Again, I #can'twait🙄 to speak with you again because this is disappointing.

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to the Access Center, My Advisor, and lastly yourself and no one has read it. It seems everyone is confused as I stated before.

In saying that, all I ask is that yourself and everyone I've spoken to in that department be kind and patient with me or at the very least treat me like I belong in the program I've been in for 2 years now, which was not the experience I had yesterday. Thank you again and I hope you have a good rest of the month.

Note: I realize my mom has also spoken with someone over the phone and via email regarding this. So, if you all want to speak with her about her concerns, I give you permission to discuss my records, and whatever else amongst one another.

Best,

Cesca D.

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**From:** Ribble, Elizabeth <[emcclel3@msudenver.edu](mailto:emcclel3@msudenver.edu)>

**Sent:** Tuesday, December 20, 2022 9:04:05 AM

**To:** Dixon, Cesca <[cdixon22@msudenver.edu](mailto:cdixon22@msudenver.edu)>

**Cc:** Access Center <[accesscenter@msudenver.edu](mailto:accesscenter@msudenver.edu)>

**Subject:** RE: Copy of Previous email, Cesca D.

900943266

Hi Cesca,






I am sorry I am not being clear enough. I will try to clarify what I stated in a previous email.

You are asking for an accommodation for a class. The staff at the Access Center are charged with determining reasonable accommodations for students. This is not something I or any faculty or staff member in my department can do for you. I'm cc'ing the Access Center who may be able to help further clarify this.

You are also welcome to contact the instructors of the courses for which you are registered and ask if you can attend class sessions remotely. They may say yes! However, if they say no, and if you do not have an Access Center letter stating that the instructor must allow you to take the course remotely, then you must attend the classes in-person.

Let me know if you have more questions!

Best,  
Dr. Ribble

Elizabeth McClellan Ribble, Ph.D.  
Pronouns: She/They  
Professor of Statistics  
Chair, Mathematics and Statistics  
Metropolitan State University of Denver  
[303.615.0752](tel:303.615.0752) | [emcclel3@msudenver.edu](mailto:emcclel3@msudenver.edu)  
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



Asking the instructors is your next step. I understand that you are asking to join class sessions through a mobile device – please explain this to the instructors when you ask them about attendance in their courses.

The university has a FERPA release form that you can fill out to allow another person to access your student records.

Please let me know if you have any other questions.

Best,  
Dr. Ribble

Elizabeth McClellan Ribble, Ph.D.  
Pronouns: She/They  
Professor of Statistics  
Chair, Mathematics and Statistics  
Metropolitan State University of Denver  
303.615.0752 | [emcclel3@msudenver.edu](mailto:emcclel3@msudenver.edu)  
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**From:** Dixon, Cesca <[cdixon22@msudenver.edu](mailto:cdixon22@msudenver.edu)>  
**Sent:** Tuesday, December 20, 2022 11:09 AM  
**To:** Ribble, Elizabeth <[emcclel3@msudenver.edu](mailto:emcclel3@msudenver.edu)>  
**Subject:** Re: Copy of Previous email, Cesca D.  
900943266

Hello Dr. Ribble,

Thank you I appreciate your clarification.  
Unfortunately, I spoke with the Access Center first, and they instructed me to talk to you. Then as you mentioned, I should speak with them, so I did so again during my 3rd appointment with them this morning. I have now given that document I attached



**RE: Copy of Previous email, Cesca D.  
900943266**

---

**From:** Ribble, Elizabeth

[emcclel3@msudenver.edu](mailto:emcclel3@msudenver.edu)

**To:** Dixon, Cesca [cdixon22@msudenver.edu](mailto:cdixon22@msudenver.edu)

**Cc:** Access Center

[accesscenter@msudenver.edu](mailto:accesscenter@msudenver.edu)

**Sent:** Tuesday, December 20, 2022, 12:07 PM

Hi Cesca,

I did read your letter. The section you referred me to was regarding accommodations, so I sent you to the Access Center (cc'd). Again, only the Access Center can approve formal accommodations for students with disabilities. I don't know what they have told you but if they are not approving your request, then that is their decision. I have neither the authority nor the expertise to tell them they are wrong.

Having said that, as I have previously said, you are welcome to ask the instructors if you can participate remotely. If they will allow you to join class sessions remotely, it will not be a formal Access Center accommodation but just something the instructors let you do. Note that you would still need to take exams in-person. However, if an instructor does not allow you to attend classes remotely, then you would need to attend classes in person.



Cesca Dixon (900943266)

From: Jennifer Dixon (kitty80203@yahoo.com)  
To: emcclell3@msudenver.edu  
Date: Monday, December 19, 2022 at 05:00 PM MDT

Dr. Ribble,

My name is Jennifer Dixon, I am the parent of Cesca Dixon. I am writing to express great concern about how an accommodation for Cesca is being handled (or not). Something may be getting lost in translation. Cesca is not requesting that a class listed as in-class be changed to an online class. That would be absurd, and for anyone to assume that is equally absurd.

I have a BA from MSU and a MA (Political Science) from UCD. Way back then professors simply emailed classes and emailed them to the students. It cost them nothing and took a few extra key strokes. No more from these professors repeatedly saying "go to the Access Center" (which, by the by, was incorrect and discriminatory. What this department appears to be saying is that there is no regard for a federal statute).

Now, my daughter has just communicated your response to her. I have to say that I am appalled by the fact that someone with a PHD would address a paying student with Autism in the manner you did. "This may not be the program for you" is not language you use with a challenged person. In doing so, you have diminished her confidence. As a paying student not one person in that school has the right to tell her what they think she may or may not be capable of (feeling obliged and entitled is not a right). The fact that you are a woman teaching a STEM department is stunning.

Before Cesca read your email to me I had already written the first two paragraphs of this email, so, I had no intention of saying what I did in third and what I am about to say. As far as Cesca's rights are concerned some very important lines, since 1973 Disability act, have been crossed. One glaring one is what was said in your email. Presumably Cesca's future in Mathematics, like a Magic 8 Ball absent any magic, is not your place nor in your job description. And, just to know what that is.

I am addressing this matter later once Cesca has spoken with her doctor. I already know what to do about the legal aspects.

We have no problem speaking with the professors. However, understand, they are not exempt from adhering to federal law either.

Lastly, WHY did it have to go this far? Instead of tearing down a challenged person why not just make two phone calls to the professors YOURSELF, perhaps that's not as enjoyable since no emojis are involved. Since our previous administration, respect, kindness and sensibility have vanished. Sad!!!

Regards,

Jennifer Dixon

Sent from Yahoo Mail on Android

Cesca Dixon (900943266)

From: jennifer dixon (kitty80203@yahoo.com)

To: emcclel3@msudenver.edu

Date: Monday, December 19, 2022 at 05:00 PM MST

Dr. Ribble,

My name is Jennifer Dixon, I am the parent of Cesca Dixon. I am writing to express grave concern about how an accommodation for Cesca is being handled (or not). Something may be getting lost in translation. Cesca is not requesting that a class listed as in-class be changed to an online class. That would be absurd, and for anyone to assume that is equally absurd.

I have a BA from MSU and a MA (Political Science) from UCD. Way back then professors simply recorded classes and emailed them to the students. It cost them nothing and took a few extra key strokes. No rude front desk people repeatedly saying "go to the Access Center" (which, by the by, was incorrect and discriminatory. What the department appears to be saying is that there is no regard for a federal statute).

Now, my daughter has just communicated your response to her. I have to say that I am appalled by the fact that someone with a PHD would address a paying student with Autism in the manner you chose. "This may not be the program for you" is not language you use with a challenged person. In doing so, you have demeaned her and deminished her confidence. As a paying student not one person in that school has the right to tell her what they think she may or may not be capable of (feeling abliged and entitled is not a right). The fact that you are a woman heading a STEM department is stunning.

Before Cesca read your email to me I had already written the first two paragraphs of this email, so I had no intentions of saying what I did in third and what I am about to say. As far as Cesca's rights are concerned some very established lines, since 1973 Disability act, have been crossed. One glaring one is what was said in your email. Forecasting Cesca's future in Mathmatics, like a Magic 8 Ball absent any magic, is not your place nor in your job description. And, yes! I do know what that is.

I am addressing this matter later once Cesca has spoken with her doctor, I already know what to do about the legal aspects.

We have no problem speaking with the professors. However, understand, they are not exempt from adhering to federal law either.

Lastly, WHY did it have to go this far? Instead of tearing down a challenged person why not just make two phone calls to the professors YOURSELF, perhaps that's not as enjoyable since no emojis are involved. Since our previous administration, respect, kindness and sensibility have vanished. Sad!!!

Regards,

Jennifer Dixon

Sent from Yahoo Mail on Android

### Regarding Plaintiff's Mother

Plaintiff has been employed as a live-in aide for her mother, Jennifer Dixon. Jennifer Dixon was diagnosed with a rare autoimmune disease, Mixed Connective Tissue Disease, in 2012. The prognosis for this disease is 10 years from date of diagnosis. Infections and stress are dangerous to sufferers of this disease. Pulmonary Hypertension and infection are the number killers for people with this disease. Ms. Dixon has Lupus, Scleroderma, Raynaud's, RA, and Celiacs. On June 1, 2023 Ms. Dixon found out she is beginning to show signs of Pulmonary Hypertension.



# Metropolitan State University of Denver 2022-2023 Undergraduate Catalog

[ARCHIVED CATALOG]

## Online Learning

 [Print this Page](#)

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At MSU Denver, we adapt to your educational needs based on your ever-changing life. Online learning is a cornerstone of our mission to serve you where you are, how you want to learn, and when you are available. Join our learning community of resourceful, committed, and passionate students who are actively engaged with the university, faculty, and each other.

### Delivery Formats Include In-Person, Hybrid, and Online

Degrees and programs are offered in [in-person](#), [online](#), and [hybrid](#) formats, and available formats are listed on each major program page. MSU Denver students have complete flexibility to choose the course formats they prefer, and can mix and match formats regardless of the program they are pursuing.

- [In-person](#): all required courses are available on-campus.
- [Hybrid](#): 50% or more of the required courses are available online.
- [Online](#): all required courses are available online.

### Comprehensive Support for Online Students

MSU Denver Online has dedicated support staff for online students. Our Online Student Services Manager connects online students with virtual student services (so you don't have to come to campus), and resources for your distance learning success, health and well-being.

### Course Delivery Formats

- **On-Campus** requires only have face-to-face class sessions on campus. MSU Denver offers a weekday, weeknight, and weekend on-campus courses.
- **Hybrid** is a combination of face-to-face and online class sessions in the same course. This schedule is specific to your course and more information can be found on the Student Detail Schedule in the Student Hub after students register.
- **Fully online** means all required components of the courses are offered virtually and may include **synchronous and asynchronous options**.
  - **Asynchronous** include activities, readings, assignments, videos, and other tasks required in your course that students complete on their own time while meeting the expected due dates and times.

- **Synchronous** includes sessions that occur with classmates and a professor at a scheduled time but is accessible virtually through a software like Microsoft Teams.

### **Online Learning Expectations**

Whether fully online or hybrid, online learning requires students to effectively manage their time, plan ahead, communicate openly and timely, present themselves professionally, and to fully understand the expectations of the course. Online and hybrid course delivery options require students to be active in Canvas multiple times a week (e.g., discussion boards, presentations, assignments, peer interactions, course material, etc.), to read all emails and announcements (as they are not reinforced in face to face class), and complete all required material in the weekly modules.

Though students don't have a physical class, students still need to schedule time to complete course assignments and learning objectives. Online does not mean less time or less rigorous. Students should schedule the equivalent time of a face-to-face class (approx. 3 hours) each week in order to learn the course material through participation in discussion and completion of the learning modules in addition to reading, homework, and assignment time required.

## Section 5: Types of Accommodations

A reasonable accommodation is any modification or adjustment that will enable a qualified student with a disability equal access to a course, program, facility, activity or service. Reasonable accommodations may include auxiliary aids, services, or modifications to facilities.

The goal is to give the student with a disability equal access to the learning environment. Individualized accommodations are not designed to give the student an advantage over other students, to alter a fundamental aspect of the course, nor to reduce academic rigor.

The Access Center determines reasonable accommodations as mandated under the ADA and Section 504 of the Rehabilitation Act. Academic adjustments, auxiliary aids, and/or services are determined on a case-by-case basis. The following is a list of potential accommodations which may be granted based on the students' disability and how it impacts them in a postsecondary educational environment.

### Testing Accommodations

Testing accommodations are available to eligible students who experience barriers related to timed assessments or other aspects of evaluations. The Access Center is committed to providing an equitable testing environment for students. Testing accommodations may include but are not limited to the following:

Distraction-reduced space

Extended time

Assistive technology (e.g. CCTV, screen-reader software)

Accessible formats (e.g. Word Doc, large print, braille)

Computer/Microsoft Word for written exams

Calculator

Please review the Accommodated Test Procedures in the Appendix.

### Attendance Flexibility

Students that have been diagnosed with a chronic physical or mental health condition/disability with brief, periodic flare-ups that adversely impact course attendance could be eligible to receive attendance flexibility consideration. This flexibility is determined collaboratively between the Access Center and the instructor. It is the student's responsibility to request this accommodation as early in the semester as possible by completing the "Request Attendance Flexibility" form located on the Access Center website.

The accommodation determination is put in writing as early in the semester as possible, ideally within the first few weeks of the course. The accommodation must be reasonable, meaning it cannot compromise the essential requirements or learning outcomes of the course. Course requirements vary widely due to course structure and additional flexibility cannot always be guaranteed.

Please review the Accommodated Attendance Procedures in the Appendix.

#### Access to Lecture Content

Students who have trouble capturing learning content that is shared during class due to their disability can be approved for accommodations. The student's Accessibility Coordinator will share with the various options with the student and then collaborate with the instructor, if needed, to coordinate access to lecture content.

#### Alternate Formats for Print Materials

Students with a documented condition/disability that prevents access to traditional print materials are eligible to receive printed course materials in accessible electronic versions. Students are responsible for notifying their instructor and the Access Center if course materials are not accessible. Students needing to request course textbooks should use the request form located on the homepage of our website, [www.msudenver.edu/access](http://www.msudenver.edu/access). See the Appendix for alternate format procedures.