Witness Declaration and Request for Institutional Review and Corrective Action

Disability Access, Civil Rights, and Academic Appeal Concerns

Re: Herzing University's Violations against Chavon J. Wright
Submitted by: Sarah Millard
To: Herzing University Office of the President, institutional compliance leadership, designated compliance reviewer, and other relevant departments, individuals, organizations, and government offices
Date: October 10, 2026

Office of Civil Rights Case No.: 05262347

Contents

1. Statement of Purpose..... 3
2. Request for Institutional Oversight, Independent Review, and Corrective Action.....4
3. Witness Declaration..... 11
4. Memorandum of Civil Rights, Disability Access, and Policy Compliance Concerns.....20
5. Evidence Preservation Letter..... 30

Dear Herzing University,

I submit the attached materials in my individual capacity as a witness to an established Office of Civil Rights case concerning Chavon J. Wright (the “Student”) and Herzing University (the “University”).

The four enclosed documents provide the **supporting factual account**, **issues requiring review**, **and specific actions requested**. I ask that they be considered together and directed to an institutional official with authority to coordinate the University's response across multiple departments.

Please acknowledge receipt of this submission and all four enclosed documents on or before **October 16, 2026**.

Sarah Millard
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October 10, 2026

Back to contents

Request for Institutional Oversight, Independent Review, and Corrective Action

This request concerns Chavon J. Wright (the “Student”), a woman with documented disabilities and established accommodations formerly enrolled in Herzing University’s MSN Direct Entry nursing program.

As witness, I hereby submit this request for institutional oversight and independent review by the executive and compliance leadership of Herzing University (the “University”), and request written findings and corrective action concerning the matters set forth below.

Cause for Review

I refer for review the repeated failures described by the Student and her supporting materials in her multiple appeal submissions. These failures include, but are not limited to, the implementation of disability accommodations, examination conditions, assignment credit and extensions, and formal appeals and requests for review across three academic terms.

These failures required repeated enrollment and contributed to the Student’s September 9, 2026 dismissal, though her existing appeals remained unaddressed and unresolved. Questions remain about appeal routing and review, records access, lack of follow-up, and **multiple policy violations** at the institutional and federal level.

I am witness to the Student’s account and come forward to request an independent reconstruction and review of this case. Independent oversight is required to establish the facts, assess ADA and institutional policy compliance, and determine corrective action and remedies for academic, access, enrollment, and financial errors.

Review Structure and Institutional Responsibility

Designate one coordinating official and independent reviewer who did not participate in the challenged accommodation, grading, appeal, or dismissal decisions. Identify their authority, prior involvement, scope, and direct contact information. The reviewer should have access to the records and personnel necessary to conduct a coordinated review across the responsible University departments.

For disability issues, identify the applicable accommodation appeal procedure and the review stage reached. The published 2026 procedure provides uninvolved reviewers and written determinations. Identify reviews, decisions, deadlines, and the next available stage.

Requests and Questions Requiring Findings

1. **ADA Accommodation Terms and Institutional Notice**
   Legal statutes and policy references: P1, pp. 13, 33; P2; P3, pp. 15-18; L1; L2
   a. What accommodations applied during each disputed period?
   b. When were they requested, approved, revised, and communicated to faculty, testing personnel, and vendors?
   c. What was the University's response to reports that examination arrangements were inaccurate, ineffective, or not implemented?
   d. Identify the terms and effective dates applicable to each event.
   e. Determine whether necessary academic adjustments and reasonable modifications were identified and implemented under 34 C.F.R. §§ 104.4 and 104.44(a) and 28 C.F.R. § 36.302.

2. **Examination Conditions and Assignment Credit**
   Legal statutes and policy references: P1, pp. 19, 22-23; P2; L1-L2
   a. For each disputed examination, identify the proctor failures and deviations from established accommodations.
   b. For each disputed examination, identify the grading consequence and University's response.
   c. For each examination-relief request, identify the policy version, reviewer, evidence, and reason for the decision.
   d. Explain whether the Dean of Prelicensure Nursing reviewed an attempted-exam request under the applicable rule.
   e. Determine whether an individualized modification or academically valid reassessment was considered under 34 C.F.R. § 104.44(a) and 28 C.F.R. § 36.302(a).
   f. Identify and explain the basis for denying the Student's requested remedy.

3. **Grade Calculations and Resulting Consequences**
   Legal statutes and policy references: P1, pp. 18-21, 25; P4; P6; P7; L6; L6a; L6b
   a. Provide the complete calculation for each NSG 523 enrollment, including assignment credit, assessment/examination weights, score conversions, and any other course requirements that affect grading.
   b. For each NSG 523 enrollment, identify how the Student's grades were calculated under the accommodation terms.

Back to contents

c. For assignment credits, explain the basis for each zero, deduction, and late-work provisions and if ADA accommodations were considered.

4. Appeal Receipt, Review, and Dismissal

Legal statutes and policy references: P3, p. 18; P4; P6; P7; L1; L6

a. For each separate grade appeal, accommodation appeal, SAP appeal, grievance, discrimination report, and related requests, identify the case number; evidence of receipt; who or where the appeal, request, or grievance was routed; the published deadline; the University's action; and the University's legal or policy basis for that action.
b. Determine whether disability complaints received equitable handling with appropriate due process standards under 34 C.F.R. § 104.7(b).
c. Establish the status of the latest grade appeal on September 9 and September 18, 2026.
d. Identify the legal or policy rules governing the Student's program dismissal during the unresolved grade dispute, any applicable stay or interim measures, and how those rules were applied.

5. Records Access and Administrative Follow Through

Legal statutes and policy references: P1, p. 32; P2; P5; L5; L5a; L5c

a. For each records request, identify the receipt date, deadline, response, and inspection method. Address disability files, course records, appeal histories, and Student Services entries.
b. Explain any withholding and whether redacted access is available.
c. Determine compliance with 34 C.F.R. § 99.10(b)–(e), including access within a reasonable period and no later than 45 days after receipt, responses to reasonable requests for explanations or interpretations, and copies or alternative arrangements where circumstances effectively prevent inspection.
d. Identify whether education records were destroyed while a qualifying inspection request remained outstanding.
e. Examine the complete September 18, 2026 meeting record and subsequent communications to determine what follow-up was agreed upon and what action followed.
f. Identify the official responsible for any outstanding response.

6. Civil Rights and Procedural Concerns

Legal statutes and policy references: P3, p. 11-14, 62-73; P8; L1; L2; L3; L4; L4a; L4b

a. Investigate whether disability discrimination, racial discrimination, race-related bias, or departures from governing procedures influences the Student's treatment or challenged decision.
b. Assess the evidence under Section 504, ADA Title III, and Title Vi, including 34 C.F.R. § 100.3.

c. Determine whether the request for assistance in exercising disability rights prompted retaliation, intimidation, coercion, or interference under 34 C.F.R. § 100.7(e), incorporated through § 104.61, and 28 C.F.R. § 36.206.
d. Consider communications, explanations, and comparable cases.
e. Identify the complaint, preliminary inquiry, and investigation steps taken under the applicable procedures, including the responsible official and the basis for any decision to decline or close an investigation.
f. Determine whether reports were routed within the required period and whether the non-retaliation provisions were observed.
g. State the evidence supporting each finding.

Required Contents of the Written Findings

For each material issue, please provide:

- The issue and finding
- The evidence reviewed and considered
- The unresolved factual questions or missing records
- The efforts to obtain or verify information, or reasons for proceeding without it
- Legal and/or policy rationale for granting or denying an appeal or request
- The responsible office and contact

A general assurance that University policies were followed would not resolve the questions presented here.

Interim Measures and Corrective Action

During this review, evaluate appropriate interim measures concerning enrollment restrictions, disputed charges, records access, and other continuing educational or financial consequences, including measures available under the applicable discrimination procedure. Explain any denied interim measure and the governing constraint. (*Legal statutes and policy references: P3, pp. 65-66, 73).*

Where findings establish an error or access failure, I request the following measures:

- Correct erroneous assignment zeros, penalties, exclusions, and grade calculations; retain the change history and issue corrected records.
- Provide a properly accommodated reassessment or another academically valid remedy.

Back to contents

- Reconsider dismissal, progression, SAP, reentry, and aid decisions affected by corrected grades or access findings. Provide options consistent with the Student's chosen educational goal.
- Review tuition and mandatory fees for repeated NSG 523 enrollment, payment sources, prior credits, and verified error-related costs. Provide supported refunds, credits, reversal, or other remediation and a reconciled ledger.
- Correct identified training, platform, and proctor-oversight failures.

Identify each measure's responsible office, implementation schedule, and method for reporting problems. Preserve the Student's existing submissions and original receipt dates and identify any additional filing needed under a separate procedure.

Response Schedule

Please acknowledge this request on or before **October 16, 2026** and identify the responsible official, independent reviewer, and review schedule on or before **October 23, 2026**. Comply with separate applicable deadlines, including the records-access deadline under 34 C.F.R. § 99.10(b). If a target cannot be met, provide a written explanation and concrete response date. (*Legal statutes and policy references: L5a).*

Exhibit 1A and 1B contain the cited policies and legal authorities.

Sincerely,

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404.538.8805

October 10, 2026

Exhibit 1A - Institutional Policies

[P1] Herzing University School of Nursing, Prelicensure Programs Student Handbook 2026, SICCED09255468.HU.Prelicensure Program Student Handbook. Printed pp. 8–9, 13, 18–25, and 32–33: program scope, accommodations, grading, communication, progression, examination relief, proctoring, third-party testing, and student support. Source

[P2] Herzing University, Disability Services, Americans with Disabilities Act Policy. Individual accommodations, requests and coordinator meetings, notice of ineffective arrangements, confidentiality, and disability-file access. Source

[P3] Herzing University, Annual Security Report 2026, Madison publication. Printed pp. 11–14: nondiscrimination and retaliation; pp. 15–18: accommodations and appeal; pp. 62–73: discrimination process, participation, outcomes, remedies, and retention. Page 68 addresses witness and process-advisor roles. Source

[P4] Herzing University, Satisfactory Academic Progress. Graduate and nursing standards, warning, dismissal, academic appeal, probation, and academic plans. Source

[P5] Herzing University, Family Educational Rights and Privacy Act. Education-records inspection, amendment, confidentiality, and disclosure. Source

[P6] Herzing University, Academic Catalogs archive. Obtain the graduate editions and addenda governing Summer 2025, Fall 2025, and Summer 2026, including the May 2025, September 2025, and May 2026 editions where applicable. Source

[P7] Herzing University, January 2026 Graduate Catalog, Academic Information. Historical reference for grade-appeal procedures; provide the complete text and the versions applicable to the disputed terms. Source

[P8] Herzing University, Nondiscrimination Policy. Student treatment and University programs, including race and disability. Source

Back to contents

Exhibit 1B - Legal Authorities

[L1] Section 504, 29 U.S.C. § 794; 34 C.F.R. §§ 104.4, 104.7, 104.43, and 104.44. Covered-program nondiscrimination, grievance procedures, student treatment, and academic adjustments. Source

[L2] ADA Title III, 42 U.S.C. §§ 12181–12182; 28 C.F.R. § 36.302(a). Reasonable modifications in covered public accommodations, including private educational institutions, subject to fundamental-alteration limits. Source

[L3] Title VI, 42 U.S.C. § 2000d; 34 C.F.R. § 100.3. Race, color, and national-origin discrimination in covered federally assisted programs. Source

[L4] 34 C.F.R. § 100.7(e), incorporated through § 104.61; 28 C.F.R. § 36.206. Retaliation, intimidation, coercion, and interference connected to protected rights and participation. Source

[L5] FERPA, 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.3, 99.10, and 99.30. Covered maintained records, inspection, outstanding requests, and disclosure consent. Source

[L6] 34 C.F.R. § 668.34. Federal Title IV satisfactory academic progress standards and institutional financial-aid policies. Source

Additional linked provisions supporting L4 and L5:

[L4a] 34 C.F.R. § 104.61, incorporation of Title VI procedures. Source

[L4b] 28 C.F.R. § 36.206, retaliation and coercion. Source

[L5a] 34 C.F.R. § 99.10, inspection and outstanding requests. Source

[L5b] 34 C.F.R. § 99.30, prior consent for disclosure. Source

[L5c] U.S. Department of Education, Protecting Student Privacy, guidance on creation and retention of education records. FERPA does not require creation of new records; the outstanding-inspection-request restriction remains applicable. Source

[L6a] U.S. Department of Education, Federal Student Aid Handbook 2025–2026, Volume 1, Chapter 1, School-Determined Requirements, SAP New and Conflicting Information Requirements. Grade changes and scheduled SAP evaluations. Source
[L6b] U.S. Department of Education, Federal Student Aid Handbook 2026–2027, Volume 1, Chapter 1, School-Determined Requirements. Current counterpart to L6a; identify the edition governing each aid decision. Source

Witness Declaration

I submit this declaration in my individual capacity as witness to an ongoing dispute between Chavon J. Wright (“Chavon” or “CJ”) and Herzing University (the “University”).

This declaration concerns changes I observed over approximately eighteen months while CJ’s accommodations and continuing academic and administrative disputes with the University continued, and continue to this present day.

During this period, we communicated in-person and through phone, email, and virtual video conferences approximately every day. My observations continue through to the present day.

Identity and Basis of Knowledge

I have known Chavon J. Wright in a professional and personal capacity since 2012.

I am a biochemist and published science and medical writer with a strong background in neuroscience, psychology, molecular biology, and physiology. While I am not acting as Chavon’s treating clinician or an institutional reviewer, I draw on my scientific training and research experience to explain how attention, executive function, sensory processing, and stress relate to the experiences and changes I observed over the course of this case.

About Chavon / CJ

Chavon is an incredibly bright and wildly friendly and kind individual. She is beyond helpful to those around her. Prior to the incidents described in this submission packet, Chavon’s GPA was very high, around a 3.8 - 4.0. This GPA is indicative of a woman who has comprehension skills far above average. Chavon is able to understand and synthesize complex information to such an extent that she often flies through coursework with ease.

These statements indicate that the probability of Chavon failing a test are essentially zero. It would have to be an extremely stressful circumstance and environment for Chavon to not pass an exam.

Initial Accommodation Process

I observed and identified a formal disability documentation submission on March 14, 2025 and a provisional plan issued March 20, 2025. It identifies Emilie Thompson as ADA Coordinator and describes Chavon’s objections to a requirement for forty-eight hours’ advance notice of assignment extensions.

Back to contents

Chavon described difficulty obtaining a plan that addressed her needs, communication problems about the plan sent to faculty, and repeated efforts to obtain assistance. Her summary describes further meeting requests in spring and summer 2025 and an accommodation meeting in September 2025. My firsthand account during this initial period involved the observation and identification of the University's ADA and administrative failures and the initial decline in Chavon's capacity and state of well-being.

Exams

Immediately following each exam attempt, Chavon reported extremely stressful and severely impactful interruptions, technical delays, platform issues, and **failure of the proctor to adhere to established accommodation procedures and instructions.**

As stated previously, it is highly unlikely that Chavon would fail an exam. The circumstances she faced during that exam and subsequent exams are severe enough to warrant review and remediation.

I will never forget Chavon's confusion, sadness, and frustration at the proctor and platform of each exam attempt. The proctors continuously refused to accommodate her documented disability. Chavon has established ADA accommodations that simply were not met. For each exam. Over and over again.

Continuing Academic Disputes and Administrative Demands

Additionally, I have observed ongoing disputes over assignment extensions and credit across NSG 523 enrollments in Summer 2025, Fall 2025, and Summer 2026, with each decision by the University or its representatives violating both institutional and federal policies.

I also observed repeated enrollment and coursework while appeals were supposedly under review. Reviews took months and many of them remain wrongly unresolved.

Over the longer period, I observed a recurring administrative burden that involved repeated explanations of accommodation terms, defending herself to prejudiced representatives of Herzing University, reconstructing events, identifying responsible offices, and constantly pursuing responses from the University officials about appeals, records, standing, and educational options.

I observed sustained high stress and declining health and well-being as these matters continued across three academic terms. The duration of the process is central to my concern: repeated demands and unresolved questions continued for months while her mental health and ability to manage cognitive demands were deteriorating.

Changes I Observed Over Eighteen Months

I personally witnessed a serious decline in Chavon's mental health and executive functioning. My comparison is to her earlier functioning during this period. By executive functioning, I mean her practical capacity to sustain attention, organize information, plan, shift between tasks, and follow through on responsibilities.

I am concerned that prolonged uncertainty and repeated efforts to obtain review contributed to the decline I witnessed. The University should examine cumulative effects across the full period and the support Chavon needs to participate now.

September 2026

Chavon reported dismissal on September 9, 2026 while her latest grade appeal remained unresolved.

On September 18, I attended her meeting with Angie Zamecnik, who identified herself as Director of Student Services for online nursing. Chavon sought appeal status, records, and responsible contacts; Ms. Zamecnik rudely requested appeal proof and supporting materials, despite these supporting materials being provided formally and informally many times. I heard no substantive determination or firm follow-up deadline. Exhibit 2B provides a few details from this meeting and the exchanges that took place. Ms. Zamecnik appeared to have already determined Chavon would not remain in this program any longer, despite the unresolved appeals.

I experienced the exchange as dismissive. Chavon had to repeatedly seek basic information about receipt, responsibility, and access and was not able to obtain an actual response. In my personal opinion, the exchange read prejudiced, biased, ableist, and racist. This meeting is one example of many within the continuing eighteen-month history.

Scientific Context and Supporting Records

Research provides context for working memory, interruptions, sensory differences, anxiety, sustained stress, and repeated administrative demands.

Tavassoli and colleagues studied 359 adults using sensory questionnaires. Autistic adults reported greater sensory hypersensitivity on the study measure. [S5] This supports considering an individual sensory profile when reviewing distractions. Chavon's accommodation terms should have been applied during these examinations.

McEwen explains how stress responses involve neuroendocrine, autonomic, immune, and metabolic systems. Repeated activation or dysregulation contributes to cumulative physiological strain and allostatic load. [S6] This provides a biological basis for considering sustained psychological distress alongside physical well-being.

Back to contents

Altmann and colleagues found that interruptions lasting seconds increased errors in keeping one's place in laboratory sequence tasks. [S2] This suggests interruption duration alone may underestimate practical effects.

Liston and colleagues followed healthy adults through a month of examination-related stress and a subsequent period of reduced stress. They found impaired attention control and altered prefrontal network connectivity during the higher-stress period. [S8] The study supports considering sustained stress when examining changes in cognitive functioning.

Parker and colleagues' review of seventeen observational studies associated higher allostatic load with greater mortality risk. [S9] This provides context for the seriousness of cumulative physiological strain.

Moynihan, Herd, and Harvey describe learning, compliance, and psychological costs in public programs. [S7] I apply that framework by analogy to identifying University procedures, reconstructing records, resubmitting proof, and facing uncertain outcomes.

Alderson and colleagues' meta-analysis of 38 adult ADHD studies found differences in verbal and visuospatial working memory. [S1]

Moran's meta-analysis of 177 samples involving 22,061 participants associated greater anxiety with poorer working-memory performance. [S3] This supports considering anxiety-related cognitive demands when assessing functioning under pressure.

Shields and colleagues found average impairments in working memory and cognitive flexibility after acute stress, with differing effects on inhibition and variation across conditions. [S4] Stressful demands can therefore be relevant to managing complex tasks.

These findings support examining how disability-related limitations, sustained stress, repeated administrative demands, and functioning interacted over approximately eighteen months. I request timely review and measures that reduce avoidable continuing burden.

Timing and Continuing Effects

I am concerned that prolonged effort, high stress, and unresolved uncertainty contributed to the decline I observed in her mental health and executive functioning. The cumulative burden and potential for continuing health consequences warrant review.

My account should function as an invitation to examine the evidence. Chavon has established accommodations that were not met. The University continued to violate federal and institutional policies to seemingly harm Chavon intentionally and with retaliative malice.

Sincerely,

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October 10, 2026

Back to contents

Exhibit 2A Accommodation and Appeal Chronology

Period	Reported event or issue	Previously submitted records
March 2025	Formal documentation submitted March 14; provisional plan issued March 20	Submission receipt, provisional plan, coordinator correspondence, requested terms.
Spring and summer 2025	Further accommodation meeting requests, disputed faculty communications, assignment-credit and examination concerns.	Meeting requests and responses, plan distributions, faculty messages, submissions and grade histories.
Summer 2025	First disputed NSG 523 enrollment; examination relief and assignment credit challenged.	Governing syllabus, actual accommodation terms, exam records, gradebook, appeal submissions and decisions.
September 2025	A substantive accommodation meeting and revised arrangements are described.	Meeting record, revised plan, effective dates, delivery to faculty and testing vendors.
Fall 2025	Second NSG 523 enrollment; further proctoring or technical incidents and continuing accommodation and grade disputes.	Incident logs, testing sessions, vendor tickets, plan implementation, grades and appeals.
Late 2025 and early 2026	Formal appeals, records requests, and requests about academic standing and educational alternatives continued.	Original submissions, portal confirmations, routing histories, written determinations and records-access responses.
Summer 2026	Third NSG 523 enrollment; further examination, coursework, and grading issues reported.	Assessments, score conversions, assignment histories, testing settings, applicable plans and later appeals.
September 9 2026	Dismissal reported while the latest grade appeal remained unresolved.	Dismissal notice, exact academic basis, pending-appeal records and decision chronology.
September 18 2026	Sarah attended the Student Services meeting summarized in Exhibit 2B.	Complete recording, transcript, chat, attendance and later correspondence.
Through the present	Review and records questions remain unresolved in the account supporting this submission.	

Exhibit 2B September 18 Meeting Record and Follow Up

Prepared by Sarah Millard from her participation and meeting notes regarding the meeting between Chavon Wright and Angie Zamecnik.

Topic	Notes	Follow up needed
Student status	Ms. Zamecnik states that Chavon is no longer a student	This appears to not be legal pursuant to statutes and policies described above. Please reinstate the student.
Latest grade appeal	Ms. Zamecnik rudely states Chavon's appeals were not available and required proof from Chavon that she submitted an appeal at all. This felt like Ms. Zamecnik was insinuating that Chavon was lying. Entirely inappropriate.	Why?
Length of time of appeals	Discussion addressed ongoing appeals and the length of time for each.	Identify appeal timeframes.
"What do you need?"	Mz. Zamecnik quite rudely and dismissively asks what Chavon needs and what she wants her to do. Very sarcastic.	Why?
Response from coordinator	Ms. Zamecnik said Sam would not be able to respond.	Confirm the available contact after dismissal and the response schedule.
Request for records	Ms. Zamecnik states there are no records. Ms. Zamecnik states she is unable to provide records. Ms. Zamecnik never sends records to Chavon.	Training for Ms. Zamecnik. Access to records.
SAP appeal and grade appeal	SAP appeal placed prior to grade appeal process beginning	Needs remediation.

Back to contents

Recording of the meeting	Ms. Zamecnik appears hesitant to record the meeting.	Why?
Dispositions	Chavon was practical, pragmatic, even friendly. Ms. Zamecnik appeared to have come to the meeting with a predetermined decision that seemed to be based in a prejudiced, ableist, and racist position. It was all very biased. She didn't seem to care.	Why?
Brianne Danielson	Ms. Zamecnik preliminarily denies giving Chavon Ms. Danielson's title.	Why?
Do not CC Sam Student Services Coordinator	Ms. Zamecnik states do not CC the Student Services Coordinator	Why?

Exhibit 2C Scientific References

[S1] Alderson, R. M., Kasper, L. J., Hudec, K. L., & Patros, C. H. G. (2013). Attention-deficit/hyperactivity disorder (ADHD) and working memory in adults: A meta-analytic review. Neuropsychology, 27(3), 287–302. DOI 10.1037/a0032371. Source

[S2] Altmann, E. M., Trafton, J. G., & Hambrick, D. Z. (2014). Momentary interruptions can derail the train of thought. Journal of Experimental Psychology: General, 143(1), 215–226. DOI 10.1037/a0030986. Source

[S3] Moran, T. P. (2016). Anxiety and working memory capacity: A meta-analysis and narrative review. Psychological Bulletin, 142(8), 831–864. DOI 10.1037/bul0000051. Source

[S4] Shields, G. S., Sazma, M. A., & Yonelinas, A. P. (2016). The effects of acute stress on core executive functions: A meta-analysis and comparison with cortisol. Neuroscience & Biobehavioral Reviews, 68, 651–668. DOI 10.1016/j.neubiorev.2016.06.038. Source

[S5] Tavassoli, T., Hoekstra, R. A., & Baron-Cohen, S. (2014). The Sensory Perception Quotient (SPQ): Development and validation of a new sensory questionnaire for adults with and without autism. Molecular Autism, 5, 29. DOI 10.1186/2040-2392-5-29. Source

[S6] McEwen, B. S. (2017). Neurobiological and systemic effects of chronic stress. Chronic Stress, 1, 2470547017692328. DOI 10.1177/2470547017692328. Source

[S7] Moynihan, D., Herd, P., & Harvey, H. (2015). Administrative burden: Learning, psychological, and compliance costs in citizen-state interactions. Journal of Public Administration Research and Theory, 25(1), 43–69. DOI 10.1093/jopart/muu009. Source

[S8] Liston, C., McEwen, B. S., & Casey, B. J. (2009). Psychosocial stress reversibly disrupts prefrontal processing and attentional control. Proceedings of the National Academy of Sciences, 106(3), 912–917. DOI 10.1073/pnas.0807041106. Source

Back to contents

Memorandum of Civil Rights, Disability Access, and Policy Compliance Concerns

Purpose and Basis

I submit this memorandum in my individual capacity as a witness to the approximately eighteen-month history described in my Witness Declaration. It supports the accompanying oversight request concerning Chavon J. Wright / CJ Wright (the "Student") and Herzing University (the "University"). The central concern is whether accommodation failures affected the Student's NSG 523 outcomes, repeated enrollment, and dismissal, and whether the University provided effective review of those consequences.

Apply the accommodation plans, syllabi, catalogs, and policies governing each event in Summer 2025, Fall 2025, and Summer 2026. The published 2026 provisions identify relevant institutional commitments; their application to earlier events requires the versions then in force. [P1, pp. 8–9; P6–P7]

Disability Access and Accommodation Implementation

Section 504 and ADA Title III require necessary academic adjustments and reasonable modifications in covered programs and private educational institutions. Section 504's protections extend to services provided through contractual arrangements.

Herzing's disability policy provides individualized arrangements and a process for reporting ineffective accommodations.

The disputed forty-eight-hour notice requirement for extensions also warrants review against documented episodic or unpredictable limitations. [P1, pp. 13, 19, 33; P2; P3, pp. 15–18]

Examination Conditions and Assignment Credit

The reported interruptions, technical delays, proctor refusals to comply with documented accommodations, and inconsistent assignment-credit decisions require comparison with the accommodations effective at each assessment.

Herzing's Online Proctoring policy states that approved accommodations are entered into vendor profiles and visible to proctors, and that University personnel independently review flags before imposing penalties. Vendor involvement therefore requires examination of University oversight, profile settings, communications, and incident responses. [P9; L1]

The nursing handbook's general prohibition on retakes must be considered alongside the obligation to evaluate necessary academic adjustments. Its attempted-examination procedure assigns requests to the Dean of Prelicensure Nursing. A decision denying relief should address the reported access failure, any reasonable modification or valid alternative assessment, and the specific essential requirement or fundamental alteration relied upon. Assignment zeros and penalties likewise require reconciliation with approved extensions and actual submissions. [P1, pp. 19, 22–25; L1–L2; L8]

Academic Decisions and Appeal Handling

Prior academic performance provides context, while the disputed outcomes require accurate grade calculations and assessment of the conditions under which scores were obtained. Each verified correction must be traced through affected progression, dismissal, tuition, and financial-aid decisions.

Section 504 requires prompt and equitable grievance procedures incorporating appropriate due process standards. Herzing's published accommodation procedure provides an uninvolved secondary reviewer and a written determination within ten business days, a further C.A.R.E.S. appeal within ten business days of receiving that determination, and a leadership decision ordinarily within twenty business days of appeal receipt, absent extenuating circumstances.

Identify the applicable procedure and reconcile its requirements with the actual appeal history. The September 9 dismissal while a grade appeal reportedly remained unresolved requires the governing dismissal rule and decision chronology. [P3, p. 18; P4; P6–P7; L1]

Racial Discrimination and Retaliation Concerns

I am seriously concerned that racial and disability bias affected the treatment of the Student, a Black woman with documented disabilities, including the credibility assigned to her reports and the response to her requests for assistance.

My declaration describes the conduct giving rise to that concern, including the September 18 meeting. Title VI and University nondiscrimination policies provide the framework for examining communications, explanations, procedural departures, and comparable decisions in the same program and review posture. Relevant comparisons must protect other students' identities and account for differences in circumstances. [P3, pp. 11–14, 62–73; P8; L3]

Protected complaints, witness participation, and assistance in exercising disability rights must also be examined for retaliation or interference. Review should identify decisionmaker knowledge, subsequent adverse treatment, stated reasons, and evidence connecting the treatment to protected activity. If automated proctoring flags influenced a decision, assess the actual technology and human review; research on

Back to contents

another institution's software identifies a concern to investigate, not a finding about Herzing's vendors. [L4; L4a–L4b; P9; S11]

Records Access and Administrative Follow Through

FERPA protects access to qualifying maintained education records of former students. Access must occur within a reasonable period, no later than forty-five days after receipt; reasonable requests for explanations must be answered, and copies or alternative arrangements are required when circumstances effectively prevent inspection. Responsive education records may not be destroyed while a qualifying inspection request remains outstanding. [P5; L5; L5a]

The September 18 meeting record raises unresolved questions about appeal receipt, records availability, and responsibility for follow-up. Staff inability to produce a report does not resolve a request to inspect existing responsive education records. Evaluate records by content and maintenance, including records held by contracted providers. Identify any lawful withholding and workable alternative access when a portal is disabled. FERPA does not require creation of a new report; the reconstruction and written findings requested here arise from the institutional review. Preserve original request dates and apply the retention provisions addressed in the Evidence Preservation Letter. [P1, p. 24; P2; P3, p. 73; L5; L5c]

Scientific Context and Continuing Support Needs

My qualifications and direct observations are set out in the Witness Declaration. Research on Autism, ADHD, anxiety, acute stress, and interruptions explains why disrupted attention, working memory, and cognitive flexibility can materially affect performance. Sensory research supports individualized assessment of distractions. These findings justify reviewing the actual testing conditions and the Student's documented limitations. [S1–S5]

Liston and colleagues observed impaired attentional control during sustained examination stress, with improvement after stress decreased.

McEwen describes cumulative strain across neuroendocrine, autonomic, immune, and metabolic systems.

Parker's review of seventeen studies associated higher measured allostatic load with greater mortality risk.

Research also associates reported racism with poorer health. These findings support taking the decline I observed seriously; they do not measure the Student's allostatic load, establish individual medical causation, or predict her lifespan. [S6; S8–S10]

Administrative-burden research identifies learning, compliance, and psychological costs. Itt explains the demands of reconstructing events, resubmitting proof, and repeatedly locating a responsible official. The Student's present support needs should inform participation arrangements, including a named contact, accessible written communication, reasonable response periods, and assistance within her authorization. [S7; P1, p. 32; P3, pp. 65–68; L1–L2; L9]

Public Reports and Institutional Notice

The ProctorU petition alleges session failures, denied appeals, and refusals to honor approved accommodations. Other nursing petitions raise grading, disclosure, and progression concerns, **including alleged burdens on students of color.** These recurring complaint subjects warrant checking prior institutional notice, vendor incident records, and corrective responses. [U1–U9]

Requested Institutional Response

Provide findings that resolve each pending submission, apply the governing requirements, and explain corrective action granted or denied. [L5b]

Sincerely,

Sarah Millard
sarah.e.millard@gmail.com
404.538.8805

October 10, 2026

Back to contents

Exhibit 3A Institutional Policies and Legal Authorities

Institutional Policies

[P1] Herzing University School of Nursing, Prelicensure Programs Student Handbook 2026, SICCED09255468.HU.Prelicensure Program Student Handbook. Printed pp. 8–9, 13, 18–25, and 32–33: program scope, accommodations, grading, communication, progression, examination relief, proctoring, third-party testing, and student support. Source

[P2] Herzing University, Disability Services, Americans with Disabilities Act Policy. Individual accommodations, requests and coordinator meetings, notice of ineffective arrangements, confidentiality, and disability-file access. Source

[P3] Herzing University, Annual Security Report 2026, Madison publication. Printed pp. 11–14: nondiscrimination and retaliation; pp. 15–18: accommodations and appeal; pp. 62–73: discrimination process, participation, outcomes, remedies, and retention. Page 68 addresses witness and process-advisor roles. Source

[P4] Herzing University, Satisfactory Academic Progress. Graduate and nursing standards, warning, dismissal, academic appeal, probation, and academic plans. Source

[P5] Herzing University, Family Educational Rights and Privacy Act. Education-records inspection, amendment, confidentiality, and disclosure. Source

[P6] Herzing University, Academic Catalogs archive. Obtain the graduate editions and addenda governing Summer 2025, Fall 2025, and Summer 2026, including the May 2025, September 2025, and May 2026 editions where applicable. Source

[P7] Herzing University, January 2026 Graduate Catalog, Academic Information. Historical reference for grade-appeal procedures; provide the complete text and the versions applicable to the disputed terms. Source

[P8] Herzing University, Nondiscrimination Policy. Student treatment and University programs, including race and disability. Source

[P9] Herzing University, Online Proctoring. Published commitments on proctor-visible accommodation profiles, vendor ADA and FERPA compliance, University review of flags without automatic penalties, vendor escalation, and restricted student recording access. Identify the applicable historical version and reconcile access restrictions with FERPA. Source

Exhibit 3A Legal Authorities Continued

[L1] Section 504, 29 U.S.C. § 794; 34 C.F.R. §§ 104.4, 104.7, 104.43, and 104.44. Covered-program nondiscrimination, grievance procedures, student treatment, and academic adjustments. Source

[L2] ADA Title III, 42 U.S.C. §§ 12181–12182; 28 C.F.R. § 36.302(a). Reasonable modifications in covered public accommodations, including private educational institutions, subject to fundamental-alteration limits. Source

[L3] Title VI, 42 U.S.C. § 2000d; 34 C.F.R. § 100.3. Race, color, and national-origin discrimination in covered federally assisted programs. Source

[L4] 34 C.F.R. § 100.7(e), incorporated through § 104.61; 28 C.F.R. § 36.206. Retaliation, intimidation, coercion, and interference connected to protected rights and participation. Source

[L5] FERPA, 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.3, 99.10, and 99.30. Covered maintained records, inspection, outstanding requests, and disclosure consent. Source

[L6] 34 C.F.R. § 668.34. Federal Title IV satisfactory academic progress standards and institutional financial-aid policies. Source

[L4a] 34 C.F.R. § 104.61, incorporation of Title VI procedures. Source

[L4b] 28 C.F.R. § 36.206, retaliation and coercion. Source

[L5a] 34 C.F.R. § 99.10, inspection and outstanding requests. Source

[L5b] 34 C.F.R. § 99.30, prior consent for disclosure. Source

[L5c] U.S. Department of Education, Protecting Student Privacy, guidance on creation and retention of education records. FERPA does not require creation of new records; the outstanding-inspection-request restriction remains applicable. Source

[L6a] U.S. Department of Education, Federal Student Aid Handbook 2025–2026, Volume 1, Chapter 1, School-Determined Requirements, SAP New and Conflicting Information Requirements. Grade changes and scheduled SAP evaluations. Source

[L6b] U.S. Department of Education, Federal Student Aid Handbook 2026–2027, Volume 1, Chapter 1, School-Determined Requirements. Current counterpart to L6a; identify the edition governing each aid decision. Source

Back to contents

[L7] 42 U.S.C. § 12102(2), (4). Major life activities and bodily functions; broad construction of disability; episodic impairments when active; evaluation generally without mitigating measures. Apply the pertinent disability and qualification standards to the documented facts. Source

[L8] 28 C.F.R. § 36.301(a)–(c). Disability-related eligibility criteria, legitimate safety requirements based on actual risks, and prohibition on surcharges for measures required to provide nondiscriminatory access. Ordinary tuition disputes require their own factual analysis. Source

[L9] 28 C.F.R. § 36.303(a), (c), (h). Appropriate auxiliary aids where necessary, effective communication, timely accessible formats protecting privacy and independence, and effective alternatives subject to fundamental-alteration and undue-burden limits. Source

Exhibit 3B Scientific References

S1 through S9 correspond to research discussed in the accompanying Witness Declaration. S10 and S11 provide additional context for discrimination-related stress and automated proctoring.

[S1] Alderson, R. M., Kasper, L. J., Hudec, K. L., & Patros, C. H. G. (2013). Attention-deficit/hyperactivity disorder (ADHD) and working memory in adults: A meta-analytic review. Neuropsychology, 27(3), 287–302. DOI 10.1037/a0032371. Source

[S2] Altmann, E. M., Trafton, J. G., & Hambrick, D. Z. (2014). Momentary interruptions can derail the train of thought. Journal of Experimental Psychology: General, 143(1), 215–226. DOI 10.1037/a0030986. Source

[S3] Moran, T. P. (2016). Anxiety and working memory capacity: A meta-analysis and narrative review. Psychological Bulletin, 142(8), 831–864. DOI 10.1037/bul0000051. Source

[S4] Shields, G. S., Sazma, M. A., & Yonelinas, A. P. (2016). The effects of acute stress on core executive functions: A meta-analysis and comparison with cortisol. Neuroscience & Biobehavioral Reviews, 68, 651–668. DOI 10.1016/j.neubiorev.2016.06.038. Source

[S5] Tavassoli, T., Hoekstra, R. A., & Baron-Cohen, S. (2014). The Sensory Perception Quotient (SPQ): Development and validation of a new sensory questionnaire for adults with and without autism. Molecular Autism, 5, 29. DOI 10.1186/2040-2392-5-29. Source

[S6] McEwen, B. S. (2017). Neurobiological and systemic effects of chronic stress. Chronic Stress, 1, 2470547017692328. DOI 10.1177/2470547017692328. Source

[S7] Moynihan, D., Herd, P., & Harvey, H. (2015). Administrative burden: Learning, psychological, and compliance costs in citizen-state interactions. Journal of Public Administration Research and Theory, 25(1), 43–69. DOI 10.1093/jopart/muu009. Source

[S8] Liston, C., McEwen, B. S., & Casey, B. J. (2009). Psychosocial stress reversibly disrupts prefrontal processing and attentional control. Proceedings of the National Academy of Sciences, 106(3), 912–917. DOI 10.1073/pnas.0807041106. Source

[S9] Parker, H. W., Abreu, A. M., Sullivan, M. C., & Vadiveloo, M. K. (2022). Allostatic load and mortality: A systematic review and meta-analysis. American Journal of Preventive Medicine, 63(1), 131–140. DOI 10.1016/j.amepre.2022.02.003. Review of seventeen studies. Source

Back to contents

[S10] Paradies, Y., Ben, J., Denson, N., Elias, A., Priest, N., Pieterse, A., Gupta, A., Kelaher, M., & Gee, G. (2015). Racism as a determinant of health: A systematic review and meta-analysis. PLOS ONE, 10(9), e0138511. DOI 10.1371/journal.pone.0138511. Source

[S11] Yoder-Himes, D. R., et al. (2022). Racial, skin tone, and sex disparities in automated proctoring software. Frontiers in Education, 7, 881449. DOI 10.3389/feduc.2022.881449. Study of Respondus. Source

Exhibit 3C Public Reports and Historical Records

Student Petitions and Public Sharing

[U1] Reddit, r/ProctorU_Official, “Petition · Replace ProctorU at Herzing University — It’s Failing Students.” Links to U2; the post and petition are one source chain. Source

[U2] Change.org, “Replace ProctorU at Herzing University — It’s Failing Students,” April 19, 2026. Alleges failed sessions, denied appeals, conflicting rescheduling responsibility, and refusal to honor documented accommodations. Verify original incidents and University receipt. Source

[U3] Change.org, “STOP the use of online proctoring services at HERZING UNIVERSITY & Other Universities,” December 24, 2021. Raises privacy, access, discrimination, and stress concerns. Source

[U4] Change.org, “Remove 76% Exam Average for Herzing Nursing Students,” July 27, 2023. BSN/ASN petition alleging inadequate disclosure of an examination-average rule. Source

[U5] Change.org, “Reverse Unjust Grading Policy Changes at Herzing University,” September 8, 2024. A writer identifying as a nursing student of color alleges late grading changes and disproportionate burdens. Source

[U6] Change.org, “Require Herzing University to Restructure Grading Systems,” May 30, 2025. Nursing petition challenging examination weighting, instructional support, and alignment with taught material. Source

[U7] Change.org, “Remove the EXIT HESI Benchmark Score,” December 25, 2025, with proposal dated December 20. Concerns MSN Direct Entry exit requirements, which must be distinguished from NSG 523 assessment rules. Source

Historical Institutional Records

[U8] Ambrose-Frazier v. Herzing Inc., No. 2:15-cv-01324, E.D. Louisiana, Document 61, March 2016. Discovery order in litigation alleging employment race discrimination and retaliation. Source

[U9] Minnesota Attorney General, Fiscal Year 2014 Annual Report, printed p. 26. Reports a medical-assisting-program investigation and settlement addressing disclosures and refund options. Source

Back to contents

Evidence Preservation Letter

I hereby request preservation of existing records concerning Chavon J. Wright (the “Student”), her disability accommodations, NSG 523 enrollments and grades, appeals and complaints, September 9, 2026 dismissal, and associated academic and financial consequences. I submit this notice in my individual capacity as a witness to the continuing history described in my accompanying declaration.

Coordinate preservation across offices and vendors so that ordinary deletion or overwriting does not remove records needed for the pending matters.

Relevant Period and Scope

Preserve relevant records from the Student’s enrollment beginning in 2024 through the present, including later records concerning review of earlier events. This scope includes the approximately eighteen-month accommodation and dispute history beginning in 2025. Preserve existing relevant information and ordinarily recoverable copies; identify any portion no longer maintained.

Categories to Preserve

Accommodation records: documentation receipts; requests; provisional, final, and revised plans; approval and effective dates; meeting records; distribution and access histories; faculty and vendor instructions; and communications about inaccurate or ineffective implementation. Protect confidential medical information.

Coursework and grades: governing catalogs, nursing handbooks, syllabi and addenda; Canvas and Sherpath submissions and timestamps; rubrics, feedback, deadlines and extensions; assignment zeros or exclusions; gradebooks, score conversions, assessment weights, corrections, and available audit trails for each NSG 523 enrollment.

Testing and vendor incidents: maintained recordings, audio, screen or session data, chats, proctor notes and flags, exam links, time settings, breaks, transfers, termination events, technical and support logs, accommodation instructions, and escalations. Include relevant records held by Proctorio, ProctorU or Meazure Learning, and Elsevier where involved.

Appeals and complaints: submissions and attachments; receipts and case identifiers; failed-upload or delivery logs; routing histories; reviewer notes and communications; decisions; EthicsPoint or other complaint-system records; and grade, accommodation, SAP, reentry, or program-change requests. Preserve the actual issues and attachments, not merely a case-status entry.

Student Services and the September 18 meeting: responsive Salesforce entries, adviser communications, escalation histories, emails and messages; the complete maintained recording, transcript, chat, attendance record, and recording-delivery or access history; and subsequent appeal-proof transmissions and follow-up.

Enrollment and finance: progression and SAP calculations, academic plans, counted course failures, dismissal and reentry records, program evaluations, tuition and fees, payments, credits, refunds, aid adjustments, and related changes and communications.

Access and retention: account and course-permission changes, exports, deletion or retention logs, governing retention schedules, preservation notices, and vendor retention instructions related to these records. Preserve relevant decision explanations and comparator records within University review systems, with other students' information protected.

The source narrative identifies institutional case 00542344, vendor ticket 7407283, and Canvas case 15367560. Please verify these identifiers and use them, together with the Student's name, identifiers, courses, dates, and complainant records, to locate relevant information. Exhibits 2A–2C to the accompanying Witness Declaration provide additional search context.

Preservation Method and Applicable Retention Rules

Suspend routine deletion, overwriting, or modification of relevant originals while applicable preservation duties and pending requests are assessed. Preserve attachments, available version histories, and metadata sufficient to establish authorship, dates, delivery, routing, settings, and changes. Retain native records and a usable export where appropriate. Preserve secure examination content internally even where disclosure would raise testing-security concerns; preservation and disclosure are separate questions.

The 2026 nursing handbook provides six-month retention of proctoring information with an exception for a specific pending grade dispute. Determine which challenged assessments fall within that exception and notify relevant providers before scheduled deletion. The published discrimination process also provides indefinite retention of covered allegation, investigation, resolution, and hearing records. Identify the applicable versions and apply the relevant retention provisions. [P1, p. 24; P3, p. 73]

FERPA separately prohibits destruction of covered education records while a qualifying inspection request is outstanding. Verify the original receipt and disposition of the Student's reported December 2025 and later requests and preserve responsive records under 34 C.F.R. § 99.10(e). This notice supplements earlier requests; it does not withdraw them or restart their receipt dates. The broader dispute-preservation requests remain distinct from education-records inspection. [P5; L5]

Back to contents

Unavailable Records and Confirmation

If relevant information is no longer maintained, identify the category, custodian, governing retention rule, known loss or deletion date, reason, and any ordinary recoverable copy or export. If access was disabled but the records remain, preserve them and identify an alternative inspection method. **Do not treat a disabled portal login as resolving a records request.**

Please acknowledge receipt and identify the coordinating custodian, offices and vendors notified, preservation steps taken, and any immediate retention risk by **October 16, 2026.** Report an imminent deletion risk promptly. This is a requested response target and does not extend an existing records-access or other applicable deadline.

Direct substantive communications to the Student and include me to the extent authorized by her written consent. Preserve this notice, its receipt and routing, and the University's response with the relevant matter. Attached Exhibit 4A provides the policy and legal references governing retention, records inspection, and authorized disclosure.

Sincerely,

Sarah Millard
sarah.e.millard@gmail.com
404.538.8805

October 10, 2026

Exhibit 4A Retention and Records Access Authorities

[P1] Herzing University School of Nursing, Prelicensure Programs Student Handbook 2026, SICCED09255468.HU.Prelicensure Program Student Handbook. Printed pp. 8–9, 13, 18–25, and 32–33: program scope, accommodations, grading, communication, progression, examination relief, proctoring, third-party testing, and student support. Source

[P3] Herzing University, Annual Security Report 2026, Madison publication. Printed pp. 11–14: nondiscrimination and retaliation; pp. 15–18: accommodations and appeal; pp. 62–73: discrimination process, participation, outcomes, remedies, and retention. Page 68 addresses witness and process-advisor roles. Source

[P5] Herzing University, Family Educational Rights and Privacy Act. Education-records inspection, amendment, confidentiality, and disclosure. Source

[L5] FERPA, 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.3, 99.10, and 99.30. Covered maintained records, inspection, outstanding requests, and disclosure consent. Source

[L5a] 34 C.F.R. § 99.10, inspection and outstanding requests. Source

[L5b] 34 C.F.R. § 99.30, prior consent for disclosure. Source

Back to contents