



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

June 30, 2015

XXXXXXXXXXXXXXXXXX

Office of the Chancellor
South University
709 Mall Boulevard
Savanah, GA 31406

Re: OCR Complaint # 04-15-2301

Dear XXXXXXXX:

On March 30, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against South University (University), alleging discrimination on the basis of disability and retaliation. Specifically, the Complainant alleged the University discriminated against him on the basis of his disability when in March 2015 it denied his request for academic adjustments (accommodations). The Complainant also alleged the University retaliated against him by expelling him from the University in March 2015 because he inquired about an appeal process regarding the denial of accommodations, and because he stated his intentions to file a complaint with OCR.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the University is subject to Section 504.

Based on the above, OCR investigated the following legal issues:

1. Whether the University discriminated against the Complainant on the basis of disability by failing to provide him with academic adjustments, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.44 (a).
2. Whether the University retaliated against the Complainant, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.61.

After OCR commenced its investigation, the University offered to voluntarily resolve the complaint allegations. Pursuant to OCR's procedures, a complaint may be resolved when, before the conclusion of an investigation, the recipient requests to resolve the complaint. Based on the foregoing, OCR accepted the University's request to resolve this complaint and the University

entered into the enclosed Resolution Agreement (Agreement), which when fully implemented, will resolve the issues in this complaint.

OCR will monitor the University's implementation of this Agreement to ensure that it is fully implemented. If the University fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504.

In accordance with agency procedures, the University is reminded that intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. No recipient shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint or participated in any manner in an investigation in connection with a complaint.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive such a request, we will seek to protect, to the extent provided by law, personally-identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, which is at issue in this case.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have any questions regarding this letter, please contact the undersigned at XXXXXXXX.

Sincerely,

XXXXXXXXXX
Compliance Team Leader

Enclosure

cc: XXXXXXXX (University's Counsel)