



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

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June 12, 2015

Tim Slottow, President
University of Phoenix
1625 W. Fountainhead Pkwy
Tempe, AZ 85282-2371

Re: University of Phoenix
OCR Case Number 08-15-2040

Dear President Slottow:

On December 15, 2014, we received a complaint alleging the University of Phoenix (“University”) discriminated against a student, XX XXXXXXXX, and other students on the basis of disability. Specifically, the Complainant alleged the University discriminated against her and others on the basis of disability when it switched to a new online learning platform because, she alleged, courses provided on the new platform were not accessible to those who use assistive technology. As such, she alleged she and others were denied, on the basis of disability, an equal opportunity to participate in the University’s educational programs. We are notifying you of the resolution of this case.

We initiated our investigation pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. The University is subject to this law and regulation.

Prior to the conclusion of the investigation, the University expressed an interest in voluntarily resolving the allegation to ensure its compliance with Section 504 and its implementing regulation. Pursuant to Section 302 of our *Case Processing Manual*, a complaint can be resolved when, before the conclusion of an investigation, a recipient agrees to resolve the allegation and OCR has determined that the case is appropriate for resolution during the investigation. OCR has determined that this case is appropriate for a Section 302 Agreement and the University has voluntarily entered into the enclosed Agreement. The provisions of the Agreement are aligned with the allegation raised in the complaint and are consistent with 34 C.F.R. § 104.35.

We will monitor the University’s implementation of the Agreement until all provisions have been satisfied. A copy of the Agreement is enclosed. We will also keep you and the Complainant informed of monitoring activities related to the case, including any identified deficiencies regarding the implementation of the Agreement. We will also require action by the University to promptly address any identified deficiencies.

This concludes OCR’s investigation of this complaint and should not be interpreted to address the University’s compliance with any other regulatory provision or to address any issues other

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than those addressed in this letter. Accordingly, we are closing the investigation of this complaint effective the date of this letter. The monitoring of this Agreement will only be concluded when OCR determines that the University has fulfilled all of the requirements of the Agreement. When our monitoring of the Agreement is complete, we will advise the University and the Complainant by letter, and the case will be closed.

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.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment. In addition, the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives 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.

Thank you for the courtesy and cooperation extended to us throughout the investigation, and we especially appreciate the assistance of Mr. Tom Jankowski. If you have any questions regarding this matter, please contact me at 303.844.4480 or by email at mary.lou.mobley@ed.gov.

Sincerely,

//s//

Mary Lou Mobley
National Disability Expert

Enclosure: Resolution Agreement

cc: Mr. Tom Jankowski (by email)
Counsel for the University