



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

November 26, 2013

Arthur J. Gallagher
President
Johnson & Wales University
801 West Trade Street
Charlotte, North Carolina 28202

Re: Complaint No. 11-13-2238
Closure Letter

Dear President Gallagher:

This letter is to notify you of the disposition of the complaint that filed with the District of Columbia Office of the Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), on May 16, 2013, against Johnson & Wales University (the University), in particular the Charlotte Campus. The Complainant alleged that the University failed to provide and maintain accessible features at its Academic Center, Gateway Village, and Cedar Hall South facilities. The Complainant's specific concerns were:

1. Academic Center:
 - a. Cafeteria/snack bar does not have an accessible entrance;
 - b. Admissions Office¹ does not have an accessible entrance;
 - c. Restrooms are inaccessible; and
 - d. Automatic door opening device(s) either not present or not maintained in proper working condition.
2. Gateway Village
 - a. Library does not have an accessible entrance;
 - b. Computer lab does not have an accessible entrance;
 - c. Restrooms are inaccessible;
 - d. Wheelchair ramp is inaccessible due to a right angle; and
 - e. Automatic door opening device(s) either not present or not maintained in proper working condition.
3. Cedar Hall South
 - a. Automatic door opening device(s) either not present or not maintained in proper working condition.

¹ OCR's June 21, 2013 Notification & Data Request Letter identified the Complainant's concern with the entrance to the Bookstore. However, based on subsequent clarification provided by the Complainant, we modified the allegation to reflect a concern with the entrance to the Admissions Office rather than the Bookstore and notified the University of the change.

OCR initiated an investigation of the complaint under its authority to enforce Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, we have jurisdiction over it pursuant to Section 504.

During the course of OCR's investigation, the University expressed a willingness to resolve the complaint allegations. Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the University. On November 20, 2013, the University signed the enclosed agreement which, when fully implemented, will resolve the concerns identified regarding this complaint. The provisions of the agreement are aligned with the issues raised in the complaint, information obtained during the course of OCR's investigation, and are consistent with the applicable regulations. OCR will monitor implementation of the agreement.

OCR has reminded the University that it may not harass, coerce, intimidate, or discriminate against any individual because that individual filed a complaint or participated in the complaint resolution process. If this happens, an individual may file another complaint alleging such treatment. Also, under the Freedom of Information Act, OCR may need to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of 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.

We sincerely appreciate the courtesy, cooperation and professionalism extended by the University, particularly Bud Remillard and Mark Norman, during the resolution of this complaint. If you have any questions, please contact Alessandro Terenzoni at 202-453-5921 or alessandro.terenzoni@ed.gov or Betsy Trice at 202-453-5931 or betsy.trice@ed.gov.

Sincerely,

/s/

Robin C. Murphy
Team Leader
District of Columbia Office
Office for Civil Rights

Enclosure