



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
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PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

October 17, 2014

IN RESPONSE, PLEASE REFER TO: 03142248

Dr. E. Gordon Gee, President
West Virginia University
College of Eberly Arts and Sciences
P.O. Box 6201
1500 University Avenue
Morgantown, WVA 26506-6201

Dear Dr. Gee:

This is to notify you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), against West Virginia University College of Eberly Arts and Sciences (the University). XXXXXX (the Complainant) alleged that the University discriminated against XXXXXX on the basis of disability by failing to properly consider XXXXXX request, made during XXXXXX semester, for modification of the University's policy regarding XXXXXX.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the University is subject to Section 504, Title II and their implementing regulations. The issues raised in this complaint are governed by 34 C.F.R. § 104.44. and 28 C.F.R. § 35.130.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a resolution agreement. The provisions of the resolution agreement must be aligned with the complaint allegations or the information obtained during the investigation, and be consistent with applicable regulations. Such a request does not constitute an admission of a violation on the part of the University, nor does it constitute a determination by OCR of any violation of our regulations.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Consistent with OCR's procedures, the University requested to resolve this complaint through a resolution agreement, which was executed by the University on October 14, 2014. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the University's implementation of the Agreement.

Accordingly, OCR is concluding its investigation of this complaint as of the date of this letter. This letter is not intended, nor should it be construed, to cover any other issues regarding the University's compliance with Section 504, Title II or their implementing regulations that may exist and are not discussed herein. The Complainant may have the right to file a private lawsuit in Federal court whether or not OCR finds a violation.

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.

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 your cooperation in this matter. If you have any questions, please contact Ms. Regina Sheehan at 215-656-8563 or Regina.Sheehan@ed.gov.

Sincerely,

/s/

Judith A. O'Boyle
Chief Attorney
Philadelphia Office

Enclosures