



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 9, 2017

Jere W. Morehead  
Office of the President  
220 South Jackson Street  
The Administration Building  
Athens, GA 30602-1661

Re: Docket # 04-16-2190 and 04-16-2191

Dear President Morehead:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its complaint resolution process regarding the above-referenced complaints, filed on April 25, 2016, alleging discrimination on the basis of disability against the University of Georgia (University). Specifically, the Complainants alleged that the University discriminates against students and alumni with mobility disabilities by failing to make the Arch, located on the University's campus, accessible during the time-honored tradition of passing under the Arch for the first time as a University graduate.

OCR opened these complaints for investigation under the authority of 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 prohibits discrimination on the basis of disability. As a public entity, the University is also subject to the provisions of Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability. The University is a recipient of Federal financial assistance from the Department and is therefore subject to these laws that prohibit discrimination on the basis of disability.

Based on the allegations, OCR initiated an investigation into whether the University discriminates against students and alumni with mobility disabilities by failing to make the Arch accessible for the time-honored tradition of passing under the Arch for the first time as a University graduate, in non-compliance with the Section 504 implementing regulation at 34 C.F.R. §104.21 and the Title II implementing regulation at 28 C.F.R. §35.149.

Under Section 504 and Title II, recipients generally are prohibited from discriminating on the basis of disability in any program or activity that receives Federal financial assistance. In particular, 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149 require that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, any recipient or public entity program or activity because the recipient or public entity's facilities are inaccessible to, or unusable by, individuals with disabilities.

During the course of the investigation, OCR reviewed and analyzed documents submitted by the Complainants and the University. OCR also interviewed the Complainants and the Director of the Equal Opportunity Office.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Pursuant to Section 302, a complaint may be resolved when, before the conclusion of an investigation, the recipient or public entity expresses an interest in resolving the complaint.

On June 8, 2017, OCR received the enclosed signed Resolution Agreement (Agreement) that, when fully implemented, will resolve the issue in the above-referenced complaints. The University has agreed to take certain steps to provide students with mobility disabilities the opportunity to pass through the Arch.

The University has satisfied Item 1 of the Agreement which required the University to submit a copy of the University's spring 2017 press release and internal commencement announcement that informs students with mobility disabilities of the opportunity to pass through the Arch after the spring 2017 commencement, and also required the University to submit photos that document the installation of the temporary platform the day after the spring 2017 commencement ceremonies. On May 9, 2017, the University provided OCR with the links to the press release and internal commencement announcement informing students with mobility disabilities of the opportunity to pass through the Arch.<sup>1</sup> The University also provided OCR with photographs documenting the installation of the temporary platform to enable access to people with mobility disabilities on Saturday, May 6, 2017, the day after the spring commencement ceremonies.

The next monitoring report is due to OCR by January 1, 2018. The January monitoring report requires the University to submit a copy of the University's fall 2017 press release and internal commencement announcement that informs students with mobility disabilities of the opportunity to pass through the Arch after the fall 2017 commencement. The University will also submit photos that document the installation of the temporary platform the day after the fall 2017 commencement ceremonies. OCR will monitor the University's implementation of the Agreement to ensure that it is fully executed.

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<sup>1</sup> See <http://news.uga.edu/releases/article/uga-commencement-logistics-2017>  
<https://commencement.uga.edu/undergraduate#disability-access> (last accessed 06/08/2017).

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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.

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 possible, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Thank you for the courtesy and cooperation that you and your staff extended to OCR staff.. If you have any questions or concerns, please contact Virgil Hollis, Compliance Team Leader at (404) 974-9366.

Sincerely,

Melanie Velez  
Regional Director

Enclosure: Resolution Agreement