



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

September 19, 2018

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XXXXXXXXXX

Samford University
800 Lakeshore Dr.
Samford Hall 201
Birmingham, AL 35229

Re: OCR Complaint # 04-18-2182

Dear XXXXXXXXXXX:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint, which the Complainant filed on March 12, 2018, against Samford University (University), alleging discrimination on the basis of disability. Specifically, the Complainant alleged that the Concert Hall¹ lacks accessible routes for individuals in wheelchairs as follows: (1) automatic doors were either out of service or locked in several locations; (2) sidewalks were slanted at such an angle that the wheelchair continuously slipped off of them; (3) sidewalks were uneven and had numerous cracks; (4) an overall lack of accessible routes; (5) the surfaces (marble slabs) for most entrances prevented wheelchair access; and (6) a lack of signage marking routes and entrances.

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, the University is subject to Section 504. Accordingly, OCR has jurisdiction over this complaint.

OCR investigated the legal issue of whether the University's Wright Center lacks accessible routes for individuals in wheelchairs, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. §§104.21-104.23.

Prior to the completion of OCR's investigation, the University requested to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved before the conclusion of an investigation when the recipient or public entity expresses an interest in resolving the complaint. The attached Resolution Agreement (Agreement) will require the University to take actions to remedy any compliance concerns regarding the accessible routes from the parking lots to the accessible entrances at the Wright Center.

¹ The Concert Hall is located in the Wright Center.

On September 18, 2018, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the allegation in the 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. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University may not harass, coerce, 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 OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

OCR is committed to prompt and effective service. If you have any questions, please contact Senior Attorney XXXXXXXXXXXX, or by email at XXXXXXXX, or the undersigned at XXXXXXXX.

Sincerely,

XXXXXXXXXXXXXXXXXXXXX
Supervisory General Attorney

Enclosure

cc: XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXX