



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
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TEXAS

June 14, 2019

Dr. Lisa Mims-Devezin
Chancellor
Southern University at New Orleans
6400 Press Drive
New Orleans, LA 70126

Ref: 06-19-2045-Southern University at New Orleans

Dear Dr. Mims-Devezin:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint which was received in our office on November 16, 2018, and filed against Southern University at New Orleans (SUNO, or Recipient), in New Orleans, Louisiana. The Complainant alleged that SUNO discriminated against XXXX on the basis of disability when its disability office staff misinformed XXXX about SUNO's procedures for requesting and securing academic accommodations, which caused XXXX to not receive necessary academic adjustments in XXXX during the Fall 2018 semester.

OCR is responsible for determining whether entities that receive or benefit from federal financial assistance from the Department (recipients), or an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. SUNO is a recipient and a covered public entity. Thus, OCR has jurisdiction to resolve this complaint under Section 504 and Title II.

OCR's Case Processing Manual (CPM) Section 110 allows for an expedited case resolution process called Rapid Resolution Process (RRP). The outcomes in all RRP cases must meet OCR's standards for legal sufficiency and be consistent with applicable statutory and regulatory authority. RRP may be used to resolve complaints by obtaining a resolution agreement, the implementation of which OCR will monitor. Any resolution agreement reached through RRP must be aligned with the allegations in the complaint deemed appropriate for resolution pursuant to RRP.

Pursuant to CPM Section 110, the complainant's allegations were processed via OCR's Rapid Resolution Process (RRP). OCR considered the following issue:

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

Whether SUNO failed to make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified disabled student, by failing to provide the Complainant with necessary academic adjustments and/or auxiliary aids (XX phrase redacted XX), in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130.

During RRP, OCR conducted a preliminary investigation that indicated that the Complainant did not receive accommodations in XXXX because SUNO's disability office staff did not consistently implement its published procedures for requesting and securing academic accommodations and misinformed the Complainant about said procedures during the Fall 2018 semester.

SUNO informed OCR that it was interested in resolving the complaint allegation. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting voluntary resolution agreement will be aligned with the complaint allegation or the information obtained during the investigation, and will be consistent with applicable regulations. OCR approved SUNO's request to resolve this complaint prior to the conclusion of the investigation.

SUNO voluntarily signed the enclosed Resolution Agreement (Agreement) on June 13, 2019. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that SUNO will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement.

This concludes OCR's investigation of this complaint. However, OCR will monitor SUNO's implementation of the Agreement. Please be advised that if SUNO fails to adhere to the actions outlined in the Agreement, OCR will resume its compliance efforts.

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 SUNO 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.

If you have any questions regarding this matter, you may contact the attorney assigned to your complaint, Sheria D. Smith, at (214)-661-9635 or sheria.smith@ed.gov. You may also contact me at (214)-661-9637 or melissa.malonson@ed.gov.

Sincerely,

Melissa Malonson
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

cc: [redacted], Counsel
[redacted], Counsel