



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 18, 2015

Dr. Frank Ayers
Chancellor
Embry Riddle Aeronautical University
3700 Willow Creek Road
Prescott, Arizona 86301

Re: Embry Riddle Aeronautical University
OCR Case Number: 08-15-2084

Dear Dr. Ayers:

On February 17, 2015, we received a complaint of discrimination filed against Embry Riddle Aeronautical University (University). The complainant alleged that the University discriminated on the basis of national origin, sex, and disability. Specifically, the complainant alleged that the University failed to adequately respond to her complaint of national origin, sex and disability harassment discrimination.

We initiated our investigation of this complaint pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education; Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department; and Section 504 of the Rehabilitation Act of 1973 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. The University is a recipient of Department funds and subject to these laws and regulations.

Prior to the conclusion of our investigation, the University expressed its interest in voluntarily resolving the complaint allegation to ensure its compliance with Title VI, Title IX, and Section 504I, and their respective implementing regulations. Pursuant to Section 302 of our *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient agrees to resolve the allegations and OCR has determined that the case is appropriate for resolution during the investigation. OCR has determined that this case is appropriate for a Section 302 Agreement and the University has voluntarily entered into the enclosed Agreement.

When the Agreement is fully implemented, the allegations will be resolved consistent with the requirements of Title VI, Title IX, and Section 504, and their implementing regulations. We will monitor the University's implementation of the Agreement until all provisions have been satisfied. A copy of the Agreement is enclosed. We will also keep you and the Complainant informed of monitoring activities related to the case, including any identified deficiencies regarding the implementation of the Agreement. We will also require action by the University to promptly address any identified deficiencies.

This concludes OCR's investigation of this complaint (OCR Case Number 08-15-2084) and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. Accordingly, we are closing the investigation of this complaint effective the date of this letter. The monitoring of this Agreement will only be concluded when OCR determines that the University has fulfilled all of the requirements of the Agreement. When our monitoring of the Agreement is complete, we will advise the University and the Complainant by letter, and the case will be closed.

This letter sets forth OCR's determination in 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. In addition, the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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.

We thank you for the courtesy and cooperation you extended to us during the processing of this case. We would also like to extend our appreciation for the support that Ms. Elizabeth Higgins-Frost, Associate Dean of Students provided us during this process. If you have any questions regarding this matter, please contact XXXX, Civil Rights Attorney, at 303-844-XXXX, or me at 303- 844-6083.

Sincerely,

Angela Martinez-Gonzalez
Supervisory General Attorney

Enclosure: Resolution Agreement

cc: Ms. Elizabeth Higgins-Frost
Associate Dean of Students/
Title IX Coordinator