



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200  
SAN FRANCISCO, CA 94105

REGION IX  
CALIFORNIA

January 27, 2015

Jon R. Wallace, DBA  
President  
Azusa Pacific University  
901 E. Alostia Ave.  
PO Box 7000  
Azusa, CA 91702-7000

(In reply, please refer to case no. 09-14-2027)

Dear President Wallace:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has resolved the above-referenced complaint against Azusa Pacific University (APU). The complainant<sup>1</sup> alleged that APU discriminated based on disability. Specifically, she alleged that APU discriminated against her because she used a service animal.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of federal financial assistance. Because APU receives funding from the Department, it is subject to the requirements of Section 504 and its implementing regulations.

As part of its investigation, OCR received and considered documentation and other information from the complainant and APU. Prior to completion of the investigation, OCR and APU reached a voluntary resolution agreement, pursuant to Section 302 of OCR's Complaint Processing Manual, in which APU, without admitting to any violation of Section 504 or its implementing regulations, has agreed to take certain actions to address the complaint allegations in this matter.

As part of the resolution agreement, signed by APU on January 12, 2015 and a copy of which is included with this letter, APU has agreed to take the following actions:

- (1) Revise and, thereafter, disseminate, its current service animal policy so that it provides provisions that: define a service animal; state the right of a service animal user to access all of its areas, programs, and services to the same extent as those who do not use service animals; state the limited circumstances under which a service animal may be asked to leave an area, program, or service; state

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<sup>1</sup>OCR provided the name of the complainant in its notification letter to APU and is not stating the name in this letter in the interests of privacy.

a requirement that a service animal be under the control of its handler; state the limited inquiries that may be made of a service animal user and the prohibition against requiring documentation from the service animal user; and, provide information about who to contact with questions about the policy and how to file a complaint if a violation of the policy is suspected.

- (2) Provide training about the revised service animal policy and its requirements and prohibitions to its campus safety officers, housing department staff, and Learning Enrichment Center staff.
- (3) Develop and publish in its electronic course catalog a notice to students that includes some general information about service animal users and their service animals along with notice of the revised service animal policy.

OCR has concluded that the provisions of the resolution agreement, when implemented, are aligned with the complaint allegations or the information obtained during the investigation in this matter and are consistent with the provisions of Section 504 and its implementing regulations. As such, APU's submission of the signed resolution agreement to OCR resolves the complaint in this matter and OCR will monitor APU's implementation and completion of the agreement's requirements.

This concludes the investigatory phase of this complaint and this letter should not be interpreted to address APU's compliance with any other regulatory provision or to address any issues other than those addressed herein.

This letter sets forth OCR's determination in an individual OCR case, 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 APU 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, it 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.

The complainant may file a private suit in court whether or not OCR found a violation.

OCR thanks you and your staff and, specifically, counsel for APU, Kent Talbert, for your assistance and cooperation in resolving this matter. If you have any questions about this letter, please contact Alan Konig, Civil Rights Attorney, at (415) 486-5527 or Alan.Konig@ed.gov.

Sincerely,

/s/

James M. Wood  
Team Leader

cc: Kent Talbert, Esq., Counsel for APU