



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

February 11, 2015

Geoffrey Cox, Ph.D.
President
Alliant International University
One Beach Street, Suite 100
San Francisco, California 94133-1221

(In reply, please refer to Case No. 09-14-2380.)

Dear President Cox:

The U.S. Department of Education, Office for Civil Rights (OCR), has resolved the above-referenced complaint against Alliant International University (University). OCR began an investigation of whether the University failed to respond adequately to the complainant's¹ disability and age discrimination complaint.

OCR investigated the complaint pursuant to the Age Discrimination Act of 1975 (AgeDA), and its implementing regulation, 34 C.F.R. Part 110, as well as Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation, C.F.R. Part 104. These regulations prohibit discrimination on the basis of age and disability by recipients of Federal financial assistance. The University is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction over this complaint.

The Section 504 regulations establish procedural requirements that are important for the prevention and correction of disability discrimination, including harassment. These requirements include issuance of notice that disability discrimination is prohibited (34 C.F.R. §104.8) and adoption and publication of grievance procedures providing for the prompt and equitable resolution of complaints of disability discrimination (34 C.F.R. §104.7(b)). OCR examines a number of factors in evaluating whether a recipient/public entity's grievance procedures are prompt and equitable, including whether the procedures provide for the following: notice of the procedure to students and employees, including where to file complaints; application of the procedure to complaints alleging discrimination by employees, other students, or third parties; adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; designated and reasonably prompt timeframes for major stages of the complaint process; notice to the parties of the outcome of the

¹ At the beginning of the investigation, OCR notified the University of the name of the complainant. OCR is not including the complainant's name in this letter for privacy reasons.

complaint; and an assurance that steps will be taken to prevent recurrence of any discrimination and to correct its effects.

The AgeDA regulations prohibit discrimination based on age in programs or activities that receive federal financial assistance (34 C.F.R. Part 110). The Department regulations implementing the AgeDA at 34 C.F.R. §110.10(a) state that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a recipient of Department funds. Under §110.10(b) a recipient may not treat individuals differently on the basis of age with regard to any aspect of the services, benefits, activities, or opportunities it provides. The AgeDA regulations establish procedural requirements that are important for the prevention and correction of age discrimination. These requirements include adoption and publication of grievance procedures providing for the prompt and equitable resolution of complaints of age discrimination (34 C.F.R. §110.25(c)).

OCR began the investigative process by gathering information from the complainant and the University. Prior to the completion of OCR's investigation, the University expressed an interest in resolving the complaint through a resolution agreement (agreement) pursuant to Section 302 of OCR's Case Processing Manual. OCR determined that it was appropriate to resolve the complaint under this section, and kept the complainant informed during the resolution process.

On February 6, 2015, without admitting to any violation of the law, the University signed the enclosed agreement to resolve this case. Pursuant to the agreement, the University will (1) conduct a formal investigation of the complainant's allegations of disability and age discrimination, and (2) clarify the process for resolving discrimination complaints made in the context of an academic appeal. OCR has determined that the implementation of this agreement will resolve the allegations made in this complaint.

Based upon the signed agreement, OCR is closing the investigative phase of this complaint as of the date of this letter. OCR will monitor the implementation of the agreement, and is informing the complainant by concurrent letter. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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 records on request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

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.

OCR would like to thank you and your staff, particularly Dr. Mary Oling-Sisay, for your cooperation in resolving this matter. If you have any questions about this case, please contact Nancy Sablan, Civil Rights Investigator, at (415) 486-5549, or Shilpa Ram, Civil Rights Attorney, at (415) 486-5565.

Sincerely,

/s/

Zachary Pelchat
Team Leader

Enclosure

cc: Dr. Mary Oling-Sisay,
Vice President, Student Services