



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION IX
CALIFORNIA

March 16, 2015

Thomas A. Cropper
President
California Maritime Academy
200 Maritime Academy Drive,
Vallejo, CA 94590

(In reply, please refer to case # 09-14-2394)

Dear President Cropper:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint filed against California Maritime Academy (Academy). The Complainant¹ on behalf of Student alleged that the Academy discriminated against the Student on the basis of disability. Specifically:

1. On June 13, 2014, the Academy revoked the Student's admission to the Academy because the Student requested academic adjustments; and
2. The Academy failed to respond adequately to an appeal of the revocation that the Complainant and the Student made on June 20, 2014.

OCR began gathering evidence through reviewing documentation provided by the Academy and the Complainant and interviewing Academy staff. Prior to the conclusion of the OCR investigation, and before OCR reached compliance determinations, the Academy expressed an interest in taking action to resolve the allegations in this complaint. Under Article III, Section 302 of OCR's Case Processing Manual a complaint may be resolved before the conclusion of an investigation when the recipient expresses an interest in such a resolution and agrees to a resolution that is aligned with the complaint allegations and consistent with applicable regulations. On March 13, 2015, the Academy provided OCR with a signed Resolution Agreement (Agreement). As such, OCR is closing the investigative activity of this matter as of the date of this letter.

Legal Authority

OCR investigated the complaint under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of Federal financial

¹ OCR notified the Academy of the Complainant's and Student's identity when the investigation began. We are withholding the Complainant's and Student's names from this letter to protect their privacy.

assistance. OCR also has jurisdiction as a designated agency under Title II of the Americans with Disabilities Act of 1990 and its implementing regulation over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The Academy receives Department funds, is a public education system, and is subject to the requirements of Section 504 and Title II.

OCR gathered evidence by conducting interviews with the Complainant and Academy staff, and reviewing documents submitted by the Complainant and the Academy.

Conclusion

OCR concludes that the actions agreed to by the Academy in the enclosed Resolution Agreement will resolve the compliance issues in this case. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the Academy's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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 that the Academy 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.

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 wish to thank the Academy, especially Ingrid C. Williams, Executive Director of Human Resources, for her cooperation and assistance in resolving this matter. If you have any questions about this letter or OCR's resolution of this complaint, please contact G. Anthony Brown, Civil Rights Attorney, at (415) 486-5547.

Sincerely,

/s/

James Wood
Team Leader

Enclosure

cc: Executive Director, Human Resources