



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

REGION IX
CALIFORNIA

September 4, 2018

VIA ELECTRONIC MAIL

Dr. Bob Brower
President
Point Loma Nazarene University
3900 Lomaland Drive
San Diego, CA 92106

(In reply, please refer to case no. 09-18-2211.)

Dear President Brower:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its resolution of the above-referenced complaint against Point Loma Nazarene University (University). The Complainant¹ alleged that the University discriminated against him on the basis of disability. OCR began an investigation to determine whether the University discriminated against the Complainant by imposing conditions on his continued enrollment when it learned that he had been having suicidal ideation.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794, and its implementing regulation, at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability in programs and activities operated by recipients of federal financial assistance. As a recipient of federal financial assistance, the University is subject to Section 504, and its implementing regulations.

During its investigation, OCR reviewed information provided by the Complainant and the University and interviewed the Complainant. The Complainant informed OCR that he had been able to satisfy the University's conditions and continue his enrollment, but that he considered the University's policy/practice of imposing such conditions to be discriminatory.

Prior to OCR making a final determination, the University expressed an interest in voluntarily resolving the complaint allegation pursuant to section 302 of OCR's Case Processing Manual², and OCR agreed it was appropriate to do so. On August 31, 2018, without admitting to any violation of law, the University signed the enclosed Resolution Agreement, which, when fully

¹ OCR previously provided the University with the identity of the Complainant. We are withholding his name from this letter to protect his privacy.

² <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

implemented, is intended to address the allegation in the complaint. Based on the commitments made in the enclosed Resolution Agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently. OCR will monitor the implementation of the Resolution Agreement until the University is in compliance with its terms. Upon completion of the obligations under the resolution agreement, OCR will close the case.

This concludes OCR's investigation of the complaint 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. OCR is closing the investigation of this complaint as of the date of this letter, and notifying the Complainant concurrently. 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 University may not harass, coerce, intimidate, retaliate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual 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.

The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

OCR thanks Kevin Cahill, General Counsel, for the courtesy and cooperation extended to OCR during its investigation. If you have any questions, please contact Katherine Riggs, Civil Rights Attorney at (415) 486-55XX or by email at Katherine.L.Riggs@ed.gov.

Sincerely,

/s/

Ava DeAlmeida Law
Acting Team Leader

Enclosure

cc: Kevin Cahill, General Counsel