



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1099

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December 11, 2015

Dr. Charles Schlimpert  
President  
Concordia University  
2811 NE Holman Street  
Portland, Oregon 97211

Re: Concordia University  
OCR Reference No. 10152191

Dear Dr. Schlimpert:

This is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaint against Concordia University (university). As explained below, prior to completion of OCR's investigation, the university expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The complaint alleged that the university discriminated against a student, on the basis of disability, when it failed to provide her with approved academic adjustments in fall 2014, resulting in her dismissal from the university in December 2014.

OCR accepted this complaint for resolution under the authority of section 504 of the Rehabilitation Act of 1973, and its implementing regulation. This statute prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance from the U.S. Department of Education. The university is a recipient of federal financial assistance from this Department, and is therefore required to comply with this civil rights law.

The regulation implementing Section 504 at 34 CFR 104.44(a) requires universities to make modifications, or academic adjustments, to their academic requirements as necessary to ensure that they do not discriminate or have the effect of discriminating against a student on the basis of disability. The type and nature of modifications and academic adjustment are determined based on the student's specific disability and his or her individual disability-related needs.

The investigation to date indicated that the student, a qualified individual with a disability, had the following approved academic adjustments for the fall 2014 semester: time and a half for tests; quiet testing location; hard copies of PowerPoint slides used by professors; note-takers; and recorded lectures.

Information provided by the student and the university reflects that the student did not receive note-takers for two of her fall 2014 semester courses.

In accordance with Section 302 of OCR's Case Processing Manual, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the university requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the university resulted in the university signing the enclosed agreement.

The actions the university will take under the agreement include:

1. reviewing, and if necessary, revising its policies and procedures to ensure that students with disabilities who have approved academic adjustments receive all approved adjustments;
2. training the staff of Learning and Disability Services regarding its revised policies and procedures;
3. reimbursing the student's lender for her outstanding fall 2014 semester Direct Loans;
4. changing the student's fall 2014 semester grades to "W" if the student did not transfer the credits to another institution; and
5. providing the student with written notice regarding the revisions made to its policies and procedures under this agreement.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by February 2, 2016.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Caitlin Burks, Attorney, by telephone at (206) 607-1620, or by e-mail at [caitlin.burks@ed.gov](mailto:caitlin.burks@ed.gov).

Sincerely,

Paul Goodwin  
Team Leader

Enclosure: Voluntary Resolution Agreement