



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVE., SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

January 9, 2014

Dr. Luther Carter, President
Francis Marion University
P.O. Box 100547
Florence, South Carolina 29502

RE: OCR Complaint No. 11-14-2011
Resolution Letter

Dear Dr. Carter:

This letter is to inform you of our disposition of the above-referenced complaint, which was filed with the District of Columbia Office of the Office for Civil Rights (OCR), U.S. Department of Education, on October 21, 2013, against Francis Marion University (the University). The Complainant alleged that, during the Fall 2013 semester, the University discriminated against her son (the Student) on the basis of disability (XXXXX) by failing to provide him with adequate XXXX for his classes, XXXX.

What follows is a discussion of OCR's jurisdiction, the legal standards and analysis applicable to the allegations, and the Resolution Agreement signed by the University to resolve this case.

OCR Jurisdiction

As we informed you in our prior letter, OCR is responsible for enforcing certain Federal civil rights statutes and regulations, including 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, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also has jurisdiction to investigate complaints under Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department and is a public entity, it is subject to these laws and we have jurisdiction over it. Because the allegation is that the University has

discriminated in violation of these laws, we have jurisdiction over it.

Applicable Legal Standards and Analysis

Section 504 and Title II prohibit the University from discriminating against individuals with disabilities in its programs and activities and require the University to timely provide qualified students with disabilities with such academic adjustments and auxiliary aids as are necessary to ensure that the University's academic requirements do not discriminate or have the effect of discriminating against students on the basis of disability.

The University's submissions indicate that the University repeatedly informed the Complainant and the Student that XXXX.

However, we will not conduct an analysis of these compliance concerns because the University has signed the enclosed Resolution Agreement, in which it has committed to: (1) permit the Student to retake all of his Fall 2013 courses at no cost to him; (2) provide the Student with XXXX, note-taker services, and XXXX for all of the courses he takes at the University; (3) expunge the Student's academic records of all of his grades for his Fall 2013 courses; (4) reimburse the Student for any Life Scholarship benefits he may lose as a result of the courses he took in Fall 2013; and (5) amend University policies and practices on providing interpreter and all other aids and services for students with disabilities consistent with the Title II regulation.

The Resolution Agreement is aligned with the complaint allegations and the information obtained during our initial investigation and will resolve any possible compliance concerns identified by OCR. Based on the enclosed Agreement, we are closing our investigation of the complaint effective the date of this letter. However, we will monitor the University's implementation of the Agreement to ensure that it fully complies with it and thereby resolves the complaint.

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. You may have the right to file a private suit in federal court despite the fact that OCR has not found a violation.

We remind the University that it is not permitted to intimidate, threaten, coerce, or discriminate against you or any other individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces. If any individual is harassed or

intimidated because of filing a complaint or participating in any aspect of OCR case resolution, the individual may file a complaint alleging such treatment.

Please note that, under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about this letter or the outcome of this complaint, please contact Peter Gelissen, the OCR attorney assigned to this case, at (202) 453-5912 or peter.gelissen@ed.gov.

Sincerely,

/s/

Dale Rhines
Program Manager
District of Columbia Office
Office for Civil Rights