



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVE. S.W.,
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, D.C.

March 24, 2014

Thomas J. Elzey
Office of the President
South Carolina State University
300 University Street, NE
Campus P.O. Box 7008
Orangeburg, South Carolina 29117

Re: OCR Complaint No. 11-14-2016
Resolution Letter

Dear President Elzey,

This letter is notification of the outcome of the complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education, on October 27, 2013, against South Carolina State University (the University). The Complainant alleged that the University discriminated against him on the basis of disability (depression) when it placed him on a mandated medical withdrawal from the University on XXXX and placed conditions on his readmission.

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, which prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance (FFA) from the Department. OCR also enforces 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 against qualified individuals with disabilities by public entities, including public educational systems, regardless of whether they receive FFA from the Department. Because the University is a recipient of FFA from the Department and is a public entity, it is subject to the provisions of Section 504, Title II, and their implementing regulations and we have jurisdiction over it.

Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the University. During the course of OCR's investigation, the University expressed an interest in resolving the complaint under a voluntary resolution agreement, which is attached. The University signed the enclosed agreement which, when fully implemented, will resolve the complaint. The provisions of the agreement are aligned with the complaint and information

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obtained during the course of OCR's investigation, and are consistent with the applicable regulations. OCR will monitor implementation of the agreement.

We have advised the Complainant that the University may not harass, coerce, intimidate, or discriminate against any individual for filing a complaint or participating in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment. Also, 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, personal information that, if released, could constitute an unwarranted invasion of 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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

We appreciated the assistance of the University, in particular the University's counsel, Craig Burgess, during the resolution of this complaint. If you have any questions, feel free to contact Kay Bhagat at (202) 453-6598 or Kay.Bhagat@ed.gov or Christa Cothrel at (202) 453-5926 or Christa.Cothrel@ed.gov.

Sincerely,

/S/

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

cc: Craig Burgess, Esq. (sent via email)

Enclosure