



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

November 16, 2018

XXXXXX

Theresa Byrne  
Interim President  
South University at Columbia  
9 Science Court  
Columbia, SC 29203

RE: OCR Complaint No. 11-18-2277  
Resolution Letter (Corrected)

Dear Ms. Byrne:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on XXXXX, against South University (the University). This letter confirms that the University has voluntarily signed a Resolution Agreement (Agreement) to resolve this complaint.

The Complainant alleged that the University discriminated against her on the basis of disability. Specifically, the Complainant alleged that as an accommodation she was entitled to make up missed work, but XXXXX, points were deducted from her XXXXX grade when she had to reschedule a missed exam due to her disability.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) 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. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Section 504.

On XXXXX, OCR sent notification letters to the parties, including a data request to the University. On XXXXX, the University provided OCR with a response to OCR's data request. OCR also obtained information from the Complainant. Prior to the completion of OCR's investigation, the University expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Agreement.

Pursuant to Section 302 of OCR's *Case Processing Manual*, the University signed the enclosed Resolution Agreement on November 15, 2018 which, when fully implemented, will resolve the allegation raised in this complaint. The provisions of the Agreement are aligned with the allegation and issues raised by the Complainant and the information obtained during OCR's investigation, and are consistent with applicable law and regulation. The Agreement requires the

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

University to: (1) provide the Complainant with a letter confirming that the five points previously deducted were added back to her XXXXX grade, that her final grade for the XXXXX course has been changed by the registrar XXXXX, and that she has been readmitted to the University XXXXX; (2) provide the Complainant with an award letter confirming that the University will provide a scholarship to the Complainant XXXXX; (3) XXXXX (4) XXXXX (5) XXXXX (6) refund the Complainant for the cost she will incur in registering for the XXXXX test and (7) revise the University's XXXXX testing policy. OCR will monitor the University's implementation of the Agreement until the University has fulfilled the terms of the Agreement.

This concludes OCR's investigation of the complaint. This letter 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. 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.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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 personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We appreciate the University's cooperation in the resolution of this complaint. If you have any questions, please contact Dana Russo, the OCR attorney assigned to this complaint, at 202-453-6559 or [dana.russo@ed.gov](mailto:dana.russo@ed.gov)

Sincerely,

Michael Hing  
Team Leader, Team 1  
District of Columbia Office  
Office for Civil Rights

Enclosure

cc: XXXXX