



U.S. DEPARTMENT OF EDUCATION

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OFFICE FOR CIVIL RIGHTS
SOUTHERN DIVISION

DISTRICT OF COLUMBIA OFFICE
District of Columbia, North Carolina, South Carolina, Virginia

July 27, 2010

Mr. John T. Casteen III
President
University of Virginia
Madison Hall
P.O. Box 400224
Charlottesville, Virginia 22904-4224

Re: OCR Complaint No. 11-09-2094

Dear President Casteen:

I am writing to inform you of the disposition of the above-referenced complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), against the University of Virginia's Darden School of Business (the University) on June 25, 2009, alleging that the University has discriminated against blind and visually-impaired students (the Students) on the basis of disability. Specifically, the complaint alleges that the University contracted with Amazon.com, Inc., to provide the Kindle DX electronic book reader and web browser as a way of providing class-related text information to students participating in a two-semester pilot program beginning fall 2009. The complaint alleges that, as a result, the Students are being denied equal access to the University's programs and activities and effective communication in violation of Section 504 and Title II of the ADA. In addition, the complaint alleges that equal access to the information for these students cannot be achieved by providing alternative formats.

OCR initiated an investigation under the authority of 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 any program or activity receiving federal financial assistance from the Department. OCR also has jurisdiction to enforce Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities. The University is a recipient of federal financial assistance and a public entity; therefore, it is subject to the provisions of Section 504 and Title II.

The U.S. Department of Justice (DOJ), which also has enforcement authority under Title II, joined OCR's investigation. During the investigation, the University expressed a willingness to resolve the

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complaint. Pursuant to Section 302 of OCR's *Case Processing Manual*, resolution options were discussed with the University. On July 23, 2010, the Dean of the Darden School of Business signed the enclosed letter agreement which, when fully implemented, will resolve the concerns raised by the complaint. The provisions of the agreement are aligned with the issues raised in the complaint and are consistent with the applicable regulations. Accordingly, OCR is closing the complaint effective the date of this letter.

Please be aware that Section 504 and Title II prohibit the University from harassing, coercing, intimidating, or otherwise discriminating against an individual who 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. 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. Be advised that the complainants may file a private suit in federal court whether or not OCR finds a violation.

We appreciate the willingness of the University to resolve this matter and recognize most notably the assistance and cooperation of Margaret A. Browne, Associate General Counsel, in achieving this resolution. If you have any questions regarding this letter, you may contact Sara Clash-Drexler, Attorney, at 202-453-5906 or Sara.Clash-Drexler@ed.gov or Betsy Trice, Attorney, at 202-453-5931 or Betsy.Trice@ed.gov.

Sincerely,

Alice Wender
Director
District of Columbia Office
Office for Civil Rights

Enclosure

cc: Margaret A. Browne, Associate General Counsel
Kate Nicholson, Attorney, Civil Rights Division, USDOJ