



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

January 4, 2017

Mr. David Lindsey  
5368 Providence Road  
Virginia Beach, VA 23464-4100

Re: OCR Complaint No. 11-17-2031  
Notification Letter

Dear Mr. Lindsey:

On October 21, 2016, the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received your complaint against the University of Virginia (the University). Your complaint was referred to our office from the U.S. Department of Justice (DOJ). You allege that the University discriminated against individuals on the basis of disability. Specifically, the complaint alleges that the University failed to provide deaf and hard of hearing members of the Unalienable Rights Foundation (UARF) with Communication Access Realtime Translation (CART) services and written transcription of the University's Board of Visitors (BOV) meetings, as requested in September 2016.

If you disagree with the way OCR stated your allegation, please contact the OCR staff person identified below within 10 days of the date of this letter.

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. OCR also enforces 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, 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, OCR has jurisdiction over it pursuant to Section 504 and Title II.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is

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

legally sufficient and fully responds to the complaint in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>.

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. Information on OCR's complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>. In particular, please note the section on Early Complaint Resolution (ECR). Under this voluntary, informal approach, similar to mediation, OCR helps facilitate settlement discussions between you and the University. If you believe ECR can be useful in this case, please contact the OCR staff person identified below as soon as possible.

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, or participates in an OCR proceeding. 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.

If you have any questions, please contact Erika Westry, the OCR attorney assigned to this complaint, at 202-453-7025 or [Erika.Westry@ed.gov](mailto:Erika.Westry@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Letisha Morgan', with a large, sweeping flourish extending to the left.

Letisha Morgan  
Team Leader, Team II  
District of Columbia Office  
Office for Civil Rights