



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
ATLANTA OFFICE, SOUTHERN DIVISION
61 FORSYTH STREET, SW
SUITE 19T70
ATLANTA, GEORGIA 30303

APR 29 1999

Dr. Benjamin F. Payton
President
Tuskegee University
Office of the President
Kresge Center, 3rd Floor
Tuskegee, Alabama 36088

Dear Dr. Payton:

Re: Complaint #04-99-2028

On December 14, 1998, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received a complaint filed against Tuskegee University (University). The Complainant alleged that the University discriminated against her daughter (Student) on the bases of disability and sex. Specifically, the Complainant alleged that the Student was denied a pianist to assist her with musical arrangements as an auxiliary aid to accommodate her disability, and that an instructor sexually harassed the Student on the basis of sex.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation, 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, and Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the bases of disability and sex, respectively, in educational programs and activities receiving Federal financial assistance from the Department. The University is a recipient of Federal financial assistance from the Department and is, therefore, subject to the provisions of Section 504 and Title IX.

With regard to the allegation that the Student was denied the services of a pianist, OCR found that the University's Coordinator for Disabled Students has assigned a tutor to assist the Student with her sheet music when she rejoins the choir in fall 1999. On April 9, 1999, the Student notified OCR that she has signed up for the tutorial services for fall 1999. Because this allegation has been resolved, we will not proceed with an investigation.

With regard to the allegation that an instructor sexually harassed the Student, the Complainant and Student could not provide any specific incidents of sexual harassment; therefore, OCR lacks a basis to proceed with an investigation of this allegation.

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The Complainant inquired as to whether her daughter would continue to receive a choir scholarship for fall 1999. Although the scholarship was not an allegation, OCR spoke to Ms. Barbara Chisholm, Director of Financial Aid who stated that in order for a student to receive a choir scholarship, the student must be nominated by the choir director each semester and have a minimum grade point average of 2.0. Based on the above, we are closing this complaint as of the date of this letter.

If you have any questions regarding this complaint, please contact Ms. Jammie Randolph, Investigator, at (404) 562-6378, or me, at (404) 562-6377.

Sincerely,



Arlita M. Ballard
Compliance Team Leader