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May 25, 2023

*Via electronic mail only to: rramirez@inter.edu*

Rafael Ramírez Rivera, Ed.D.  
President  
Inter American University of Puerto Rico  
170 Calle Federico Coastas  
San Juan, PR 00918

Re: OCR Docket No. 02-23-2052  
Inter American University of Puerto Rico - Metro

Dear Dr. Ramírez Rivera:

This letter is to advise you of the resolution of the complaint investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in Inter American University of Puerto Rico - Metro (the University). The Complainant alleged the University discriminated on the basis of disability against the Complainant, XXX, and others, in the following respects:

- 1) the University did not afford the Complainant the opportunity to request academic adjustments and/or other accommodations as needed for his disability regarding communications that the Complainant received from the University's XXX; and
- 2) the University is failing to afford persons with disabilities an opportunity to participate in and benefit from the services, programs, and activities communicated through the University's websites and third-party websites that is equal to opportunities afforded to others; specifically, the University's main website and its web-based IRB platform are not accessible by individuals who use screen readers and refreshable Braille displays.

During the course of its investigation, OCR identified additional concerns regarding the University's compliance with Section 504 with respect to:

- 3) the University's failure to afford persons with disabilities who use assistive technologies, including screen readers and refreshable Braille displays, access to important information about the University's process they should follow to request academic adjustments and auxiliary aids and services; and
- 4) the University's failure to provide notice of the designated Section 504 Coordinator.

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 any

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program or activity receiving Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the University is subject to Section 504.

### **Investigation Summary**

OCR investigated whether the University failed to take steps to ensure that the Complainant was not subjected to discrimination during the IRB process because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills, as required by the regulation implementing Section 504 at 34 C.F.R. § 104.44(d). In addition, OCR investigated whether the University failed to implement appropriate, continuing steps to notify students with disabilities who use who use screen readers and refreshable Braille displays XXX that the University does not discriminate on the basis of disability in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.8. OCR also investigated whether the University, on the basis of disability, is excluding qualified persons with disabilities who use assistive technologies, including screen readers and refreshable Braille displays, from participating in, denying them the benefits of, or otherwise subjecting them to discrimination in its programs, activities, aids, benefits, or services communicated online in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4.

During the investigation, OCR reviewed information submitted by the Complainant and the University, and information that the University communicated to the Complainant through the IRB platform. OCR also reviewed the University's website and IRB platform, including the documents and webpages identified in the complaint, and additional pages throughout the website. OCR also reviewed information that the University communicates to students with disabilities through its public-facing website, such as the procedures that students with disabilities are to follow to request academic adjustments and auxiliary aids and services, and the University's notice of nondiscrimination on the basis of disability.

Section 303(c) of OCR's [\*Case Processing Manual\*](#) (CPM) specifies that a "mixed determination" is appropriate for complaints with multiple allegations where the allegations will be resolved in different ways, for example, when OCR has found a violation with regard to some allegations and there are other allegations that are appropriate to resolve prior to the conclusion of the investigation pursuant to section 302. OCR has reached a mixed determination for this complaint where the allegations will be resolved in different ways. Specifically, OCR found:

- With regard to Allegations 1 and 2, prior to the conclusion of the investigation, the University expressed an interest in resolving the allegations pursuant to Section 302 of the CPM, and OCR determined that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement; and
- With regard to Concerns 3 and 4, OCR determined that the preponderance of the evidence supports a conclusion that the University failed to comply with the Section 504 implementing regulations at 34 C.F.R. §§ 104.4 and 104.8.

The reasons for OCR's conclusions are set forth in this letter.

*Background*

The Complainant XX.

The Complainant XX.  
Prior to the beginning of the XXXXXX academic year, the Complainant received approval for his doctoral thesis proposal, which includes research involving human subjects. Since XXXXX, the Complainant has been going through the IRB review and approval process for his research protocol.

The IRB serves as a University ethics committee that receives protocols from researchers and students from all of the University’s campuses and professional schools. According to the University’s Graduate Catalog, graduate students whose dissertation or research includes human subjects must submit their research protocols to the IRB for review and approval before beginning their research projects.<sup>1</sup>

The University reported that its IRB protocols are handled through the IRBNet website, a third-party hosted platform.<sup>2</sup> IRBNet allows end users to access uploaded PDF documents and download them to their electronic devices. The University submitted a copy of the platform’s Accessibility Conformance Report (VPAT) to OCR.

**Failure to Afford the Complainant an Opportunity to Engage in an Interactive Process regarding his communications with the IRB**

The Complainant alleged that the University did not afford him the opportunity to request academic adjustments and/or other accommodations as needed for his disability regarding three communications that he received from the IRB XXXXXXXXXXXXXXXXXXXXXXXX.

*Legal Standards*

The Section 504 regulations specify that a qualified person with a disability may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability. *See* 34 C.F.R. § 104.43(a). The Section 504 regulations require postsecondary educational institution recipients to take such steps as are necessary to ensure that no person with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills. *See* 34 C.F.R. § 104.44(d)(1).

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<sup>1</sup> [Graduate Catalog 2022-2023](#) (last visited March 13, 2023). The Graduate Catalog notes that the IRB is responsible for ensuring that the University complies with laws, regulations, and institutional norms and procedures applicable to the protection and rights of human subjects that are part of research projects.

<sup>2</sup> [IRBNet](#) (last visited March 17, 2023).

Postsecondary students are responsible for notifying recipient staff of their disability should they need academic adjustments or auxiliary aids or services, as recipients do not have a duty to identify students with disabilities. Recipient may establish reasonable requirements and procedures for students to request academic adjustments and auxiliary aids and services. Students are responsible for knowing and following the procedures established by the recipient, assuming those procedures are adequately publicized.

In determining what modifications are appropriate for a student with a disability, the recipient should familiarize itself with the student's disability and documentation, explore potential modifications, and exercise professional judgment. The question of whether a recipient has to make modifications to its academic requirements or provide auxiliary aids is determined on a case-by-case basis. OCR generally does not substitute its judgment for that of qualified educators and professionals regarding modifications. Instead, OCR reviews relevant factual evidence to determine whether a recipient acted in a reasonable manner and whether it took appropriate steps consistent with Section 504 in making decisions regarding a student's eligibility for academic adjustments and auxiliary aids and services. Section 504 envisions a meaningful and informed process with respect to the provision of modifications, *e.g.*, through an interactive and collaborative process between the recipient and the student. If a recipient denies a request for a modification, it should clearly communicate the reasons for its decision to the student so that the student has a reasonable opportunity to respond and provide additional documentation that would address the recipient's objections. For OCR to determine that a postsecondary recipient violated the law, OCR must find 1) the recipient knew or had reason to know of the student's disability, 2) the student provided adequate notice of the need for academic adjustments or auxiliary aids and services (generally, the student should make a direct and sufficiently specific request for accommodations), 3) the academic adjustments and/or auxiliary aids were necessary, and 4) the academic adjustments and/or auxiliary aids were not provided or were not of adequate quality or effectiveness.

*Factual Finding*

Both the Complainant and the University provided OCR copies of the three communications that the IRB issued to the Complainant during the Fall 2022 semester. OCR determined that the documents were three versions of essentially the same document, intended to convey the same information.

On XXXXX, the Complainant received a two-page communication from the IRB in PDF format (Document 1), that explained that the Complainant's XXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The Complainant immediately informed the IRB that the PDF was not accessible XXXXXXXX. OCR reviewed and examined what was purported to be the same version of the document that was first given to the Complainant as Document 1. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

On XXXXX, the IRB issued the Complainant an updated version of the letter originally issued on October 14, 2022 (Document 2). The Complainant determined that Document 2 was also not accessible, and he so informed the IRB; XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. The Complainant also requested a meeting and offered to provide IRB representatives with

training on how to create accessible documents. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
OCR reviewed and examined what was purported to be the same version of Document 2 that was  
given to the Complainant after he informed the IRB that Document 1 was inaccessible.  
XX.

On XXXXX, the IRB issued the Complainant a revised version of the two-page PDF (Document  
3); XX.  
The Complainant determined that Document 3 was also not accessible and informed the IRB.  
During its investigation, OCR reviewed and examined what was purported to be the same  
version of Document 3 that was given to the Complainant after he informed the IRB that  
Document 2 was inaccessible. XXX.

In response to the Complainant's notification that the document was not accessible, and his  
request for a meeting, the IRB advised the Complainant that they had provided the Director  
XXXX Department a copy of the PDF in question so the Director could discuss the document  
with the Complainant. The Director, who is the Complainant's mentor and serves on the  
Complainant's doctoral thesis committee, called the Complainant and offered to read him the  
document by telephone. The Complainant informed OCR that he declined the offer and told the  
Director that he was waiting for the IRB to send him the documents in an accessible format.

The Complainant did not directly share his reasons with the University for rejecting the  
Director's offer to read the document to the Complainant; he only advised them that the  
documents needed to be in an accessible written format. However, the Complainant explained to  
OCR that having the IRB PDFs read out loud to him would not have permitted him to acquire the  
information in the documents in an equally effective manner or with substantially equivalent  
ease of use as his peers without disabilities. The Complainant noted to OCR his perspective that  
he needed to receive the information contained in the IRB documents in a written format,  
otherwise it would be very difficult for him to remember and retrieve the specific details  
contained in them. The Complainant also noted to OCR that if the documents had been narrated  
to him as the IRB and the Director suggested, he would only have access to the information  
when the Director was available, and not when it was convenient for the Complainant, including  
in the evenings.

The Complainant further noted that although he notified the IRB that their documents were not  
accessible to him, they did not inquire of the Complainant whether he had approved  
accommodations for his disability, nor did they refer him to the SDS office to request  
accommodations.

The University informed OCR that the IRB first learned that the Complainant XXXXXXXXXXXX.  
The University noted that the IRB informed the Complainant that it would immediately find a  
solution to the concerns he raised about the PDFs. The IRB subsequently issued the Complainant  
what it considered to be an accessible version of the document, XXXXXXXXXXXXXXXXXXXXXXXX.  
XX.

*Analysis*

At issue is whether the University failed to take steps to ensure that the Complainant was not



*Legal Standards*

Under the Section 504 regulations, a recipient is prohibited, based on disability, from excluding qualified individuals with disabilities from participation in, denying them the benefits of, or otherwise subjecting them to discrimination under any of its services, programs, or activities. *See* 34 C.F.R. § 104.4(a).

The Section 504 regulations prohibit a recipient, whether directly or through contractual arrangements, based on disability, from affording qualified individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that are not equal to the opportunity afforded to others. *See* 34 C.F.R. § 104.4(b)(1)(ii). Similarly, the Section 504 regulations prohibit a recipient, whether directly or through contractual arrangements, based on disability, from providing qualified individuals with disabilities with aids, benefits, or services that are not as effective in affording an equal opportunity to obtain the same result, to gain the same benefit, or reach the same level of achievement as that provided to others. *See* 34 C.F.R. § 104.4(b)(2). A qualified individual with a disability, or a class of qualified individuals with disabilities, may be provided with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others. *See* 34 C.F.R. § 104.4(b)(1)(iv).

For technology to be accessible, a person with a disability must be afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

With regard to public-facing websites, not all content and functionality on a recipient's website implicates the ability of people to access the recipient's programs, services, or activities.

*Factual Summary*

The Complainant claimed that he experienced the following XXXXXXXXXXXXXXXXXXXXXXXX:

- XX;
- XX;
- XX; and
- XX.

The Complainant claimed that he has not filed an internal grievance with the University about its website, the IRB platform, or the IRB PDF documents because he could not find information about whom to contact about his concerns or how to file a grievance.

The University reported that prior to the notice about the Complainant's allegations made in his OCR complaint, the IRB had not received complaints, concerns, or grievances from researchers or students about the accessibility of the IRBNet platform, including IRB documents.

OCR's initial testing of the University's website and IRB platform identified technological barriers to access that impeded the ability of people who use keyboards for navigation or who use assistive technologies from having an equal opportunity to access the information in the platforms. The website pages selected by OCR for testing included pages identified by the Complainant and pages that included information of critical importance to students with disabilities. OCR did not review all of the University's web pages because a website is not static and web pages are always changing. Thus, it was most important for OCR to carefully test those pages that are of critical importance. The IRB pages selected by OCR for testing included the homepage, which contains the log-in for the platform, the student account dashboard page, which is the first landing page after the login, and pages that included information of critical importance to students going through the IRB process, including IRB policies and procedures.

After selecting the specific aspects of the IRB platform to be tested, OCR applied both automated and manual testing protocols to identify technological barriers to access for individuals with disabilities who use assistive technologies, including checking for appropriate keyboard access and navigation, semantic markup, and document accessibility. When OCR identified a technological barrier to access, it then performed a secondary evaluation to determine whether the technological barrier implicated the University's compliance with the law by impeding the ability of people with disabilities who use assistive technologies from having an equal opportunity to enjoy the University's online programs, services, or activities.

#### Barriers to Access Observed on the IRB Platform

OCR used the login credentials provided by the University to access the Complainant's IRBNet account. OCR performed manual accessibility testing of the IRBNet platform. OCR also performed manual accessibility testing of the PDF documents that were uploaded to the Complainant's account, including the three PDFs documents referenced above that were addressed to the Complainant, and other PDFs that included general IRB policies and procedures.

IRB Online Platform: OCR identified the following concerns on the IRB platform:

- On the [IRBNet home/login page](#), where the language of the page was not identified; some features and functions were not keyboard accessible, specifically the "Satisfied Members" carousel controls; and where elements such as the username and password text box form fields lacked meaningful programmatic labels.
- On the [IRBNet Dashboard page](#) (after account login), where links were ambiguously labeled.
- Documento Normativo I-1022-030 Procedimiento Para la Divulgación de Información a Terceros [Procedure for Disclosure of Information to Third Parties] (after account login) was an image-only PDF. Image-only PDFs contain no true text or programmatic



information that can be accessed by screen reader users;

- Documento Normativo A-1220-065 Normas Sobre la Protección de los Derechos de los Sujetos Humanos que Participan en Proyectos o en Actividades de Investigación [Rules Regarding the Protection of Human Subjects in Research] (after account login) was an image-only PDF;
- Ética en Investigación [Research Ethics] (after account login) was an image-only PDF; and
- Instructions to Upload Links to Online Documents (after account login) was an untagged PDF.

#### Barriers to Access Observed on the University's Public Facing Website

OCR's initial testing of the University's website identified the following concerns:

- On the [Homepage](#), where no option was available for keyboard users to skip an extensive navigation menu; important graphics, images, or links were missing meaningful alternative text; links were ambiguously labeled; and elements lacked meaningful programmatic labels.<sup>3</sup>
- On the [SDS page](#), where no option was available for keyboard users to skip an extensive navigation menu; important graphics, images, or links were missing meaningful alternative text; links were ambiguously labeled; elements lacked meaningful programmatic labels; and not all features and functions were keyboard accessible, such as the expandable accordion menus;
- On the [Metro campus page](#), where no option was available for keyboard users to skip an extensive navigation menu; important graphics, images, or links were missing meaningful alternative text; links were ambiguously labeled; elements lacked meaningful programmatic labels; and auto-play content could not be paused by the user;
- On the [General Catalog 2022-2023 page](#), where links were ambiguously labeled; elements (buttons and form fields) lacked meaningful programmatic labels; and some features and functions were not keyboard accessible, such as the main navigation expandable menus; and
- On the [General Student Regulations page](#), where the document was an untagged PDF.

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<sup>3</sup> The main website also included barriers that affect users with low vision, as well as those who rely on keyboard navigation. Specifically, the visual focus indicator was inconsistently apparent, color contrast was insufficient, and the page layout, when enlarged by low vision users to the point of reflow, lost content or functionality.

*Analysis*

Although OCR’s investigation has identified preliminary concerns with respect to the University’s website and IRB platform, OCR determined that it is appropriate to address the concerns through a voluntary resolution agreement pursuant to Section 302 of the CPM, as requested by the University. For OCR to reach a final determination with respect to the website and IRB platform, OCR would need to establish that the University, on the basis of disability, is excluding qualified persons with disabilities who use assistive technologies, including screen readers and refreshable Braille displays, from participating in, denying them the benefits of, or otherwise subjecting them to discrimination in its programs, activities, aids, benefits, or services communicated online. OCR would also need to obtain information about whether the University provided equally effective alternate methods to access the University’s programs, services, or activities made available online. To accomplish this, OCR would have to conduct interviews and further investigate.

**Failure to Afford Persons with Disabilities who use Assistive Technologies Access to Information about the University’s Process for Requesting Academic Adjustments and Auxiliary Aids and Services**

During the course of OCR’s investigation into the Complainant’s allegations, OCR identified a concern regarding whether the University is excluding qualified persons with disabilities who use assistive technologies, including screen readers and refreshable Braille displays, from accessing information about the University’s procedures for requesting academic adjustments and auxiliary aids and services.

*Legal Standards*

As noted above, the Section 504 regulations prohibit recipient from excluding qualified individuals with disabilities from participation in, denying them the benefits of, or otherwise subjecting them to discrimination under any of its services, programs, or activities. *See* 34 C.F.R. § 104.4(a).

*Factual Summary*

XX.

The University’s Servicios al Estudiante con Impedimentos [Services for Students with Disabilities] (SDS) web page states that students seeking reasonable accommodations must complete and submit the reasonable accommodation request form.<sup>4</sup> The SDS page also notes that each of the University’s campuses has staff assigned to work with students with disabilities, and that students should contact their campuses. The page does not identify specific staff members or include contact information for the SDS office.

The SDS page also links to University Policy E-1213-005 Guías, Normas y Procedimientos para

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<sup>4</sup> [Servicios al Estudiante con Impedimentos](#) (last visited March 13, 2023).

Atender Solicitudes de Acomodo Razonable a Estudiantes [Guidelines, Standards, and Procedures for Addressing Student Requests for Reasonable Accommodation],<sup>5</sup> which includes an accommodation request form and describes the procedures that students with disabilities must follow to request academic adjustments and auxiliary aids and services.<sup>6</sup> Policy E-1213-005 also includes a grievance procedure form that directs students with disabilities to present their discrimination grievance to the Students with Disabilities Coordinator. Policy E-1213-005 also notes that the Students with Disabilities Coordinator is the person designated on each campus to receive requests for accommodations from students; however, the policy does not identify the Coordinators by name or provide any contact information for them. The same is true for the SDS page: the University fails to identify the Students with Disabilities Coordinators or provide contact information for them.

The University's General Student Regulations document lists Policy E-1213-005 among its "Normative Documents that Concern Students Available on the University Website," but it does not specify whom students with disabilities should contact with questions about the Policy.<sup>7</sup>

OCR's search of the University's main and Metro campus websites (last visited March 13, 2023) did not yield additional information related to the SDS or staff members designated to work with students with disabilities seeking academic adjustments.

OCR downloaded and reviewed Policy E-1213-005 and determined that it was an image-only PDF document. Image-only PDFs are not formatted for compatibility with assistive technology and, as such, are inaccessible to screen reader and refreshable Braille display users. OCR could not locate the relevant procedures anywhere else on the University's website, nor could it locate any accessible information about whom to contact for such information. XXXXXXXXXXXXXXXX.

### *Analysis*

The University appears to have relied on Policy E-1213-005 as the sole way for students with disabilities to receive notice of the required process for requesting academic adjustments and auxiliary aids and services. OCR found that the University posted Policy E-1213-005 as a scanned, image-only PDF document that was inaccessible to persons with disabilities who use assistive technologies, including screen readers and refreshable Braille displays. The result of this practice was to deprive students who use assistive technologies an equal opportunity to obtain information about the University's required process. Additionally, OCR found that the resources relating to students with disabilities (such as the SDS page and Policy E-1213-005) lacked contact information for the SDS office(s), SDS staff, or staff members otherwise charged with working with students with disabilities. Moreover, OCR found that the University's main and Metro campus websites (last visited March 13, 2023) did not contain critical information

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<sup>5</sup> Policy E-1213-005, [Guías, Normas y Procedimientos para Atender Solicitudes de Acomodo Razonable a Estudiantes](#) (last visited March 13, 2023).

<sup>6</sup> As of March 13, 2023, the target landing page for the link was not available.

<sup>7</sup> [General Student Regulations](#) (last visited April 17, 2023).

related to the SDS or staff members designated to work with students with disabilities seeking academic adjustments, accommodations, or auxiliary aids and services.

As noted above, typically, postsecondary institutions have no affirmative obligation to offer academic adjustments or provide auxiliary aids and services to students with disabilities, until and unless the students have initiated a request and provided documentation or other evidence of their disability. However, for this process to be successful and legally adequate, students must first have access to information about the processes they are expected to follow to request to be identified as having disabilities and to receive appropriate auxiliary aids and services.

Based on the preponderance of the evidence, OCR found that the University is discriminating against students with disabilities who use assistive technologies, including screen readers and refreshable Braille displays, by excluding them from accessing information about the University's process for requesting academic adjustments and auxiliary aids and services, in violation of the regulation implementing Section 504, at 34 C.F.R. § 104.4.

### **Failure to Provide Notice of the Section 504 Coordinator**

During the course of OCR's investigation into the Complainant's allegations, OCR identified a concern regarding whether the University failed to implement appropriate, continuing steps to notify students with disabilities who use who use screen readers and refreshable Braille displays, including the Complainant, that the University does not discriminate on the basis of disability, including providing notice to students with disabilities of the identity of the responsible employee designated to coordinate its efforts to comply with Section 504.

#### *Legal Standards*

The Section 504 regulations require recipients to take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that they do not discriminate on the basis of disability in violation of Section 504. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program or activity. The notification shall also include an identification of the responsible employee designated to coordinate its efforts to comply with Section 504. *See* 34 C.F.R. § 104.8.

#### *Factual Summary*

The University has published notice of its prohibition against discrimination on the basis of disability on its SDS, Policy E-1213-005, General Student Regulations, and General Catalog web pages of its website.<sup>8</sup> Policy E-1213-005, in particular, specifies that the University's prohibition against disability discrimination is required by Section 504. The published notices fail, however, to identify the employee(s) designated to coordinate the University's efforts to comply with Section 504, nor do they describe whom students with disabilities or members of the public

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<sup>8</sup> [General Catalog 2022-2023](#) (last visited March 13, 2023).

should contact regarding their rights under Section 504. OCR could not locate this information anywhere on the University's website.

### *Analysis*

Although the evidence showed that the University had prominently published notices of nondiscrimination to its website, the University has failed to provide adequate notice of the identity of the 504 Coordinator. Specifically, the University's website, including its nondiscrimination notices, lacked information about the Section 504 Coordinator and OCR could not locate information identifying the responsible employee designated to coordinate the University's efforts to comply with Section 504 or describing whom students with disabilities or members of the public should contact regarding their rights under Section 504.

Based on the above, OCR found that the University violated the regulation implementing Section 504, at 34 C.F.R. § 104.8, when it failed to implement steps to notify students with disabilities of the identity of the responsible employee designated to coordinate its efforts to comply with Section 504.

### **Conclusion**

On May 24, 2023, the University signed the enclosed resolution agreement (Agreement) to resolve the complaint. When fully implemented, the resolution agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the agreement until the University is in compliance with the terms of the agreement and Section 504.

This concludes OCR's complaint investigation. 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 complaint. 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 a right to file a private suit in federal court whether or not OCR finds a violation.

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.

Thank you for the University's cooperation in the resolution of this complaint. If you have any questions, please contact me at (202) 987-1402 or [tamara.e.perry@ed.gov](mailto:tamara.e.perry@ed.gov).

Sincerely,

/s/

Tamara Perry  
Attorney Advisor

Enclosure

*Courtesy copies by email only to:*

Lorraine Juarbe Santos  
General Counsel  
XXXXXXXXXX

Maria Eugenia Rosa-Domenech  
Counsel  
XXXXXXXXXX

Dr. Marilina L. Wayland  
Chancellor, Inter American University of Puerto Rico – Metro campus  
XXXXXXXXXX