



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

March 23, 2015

IN RESPONSE, PLEASE REFER TO: 03-15-2017

Dr. Wallace D. Loh, President
University of Maryland, College Park
1101 Main Administration Building
College Park, MD 20742-6105

Dear Dr. Loh:

This is to notify you of the resolution of the complaint filed with the U.S. Department of Education, (the Department) Office for Civil Rights (OCR), against the University of Maryland, College Park (the University). XXX. XXXXXXXX XXXXXXXX XXXX XXXXXXXXXXXXXXXX alleged that the College retaliated and discriminated against XXX XXXXXXXX XXXXXX XXXXXXXXXXXX (the Student) on the basis of disability. Specifically, the Complainant alleged that:

1. The University discriminated against the Student on the basis of disability by failing to implement his academic adjustment XX XXX XXX X XXXX XXX XXXXXXXX XX XXX XXXX XXX XXXXX XX XXXXXXXXXXXX XXX XXXXXXXX XXXX;
2. The University failed to maintain adequate grievance procedures to address complaints of disability discrimination; and
3. The University retaliated against the Student by requiring that he self-identify as a student with a disability XX XXX XXXX XXX XXXXXX XX XXXXXXXX XX XXXX.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

Section 504 and the ADA also prohibit retaliation. As a recipient of Federal financial assistance from the Department and a public entity, the University is subject to Section 504, Title II and their implementing regulations.

The Section 504 implementing regulation, at 34 C.F.R. § 104.44(a), states generally that an institution shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of

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disability, against a qualified applicant or student with a disability. Academic requirements that the recipient can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

The Section 504 regulation at 34 C.F.R. § 104.7(b) provides that a recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Recipients must provide notice to students and employees of the procedure, including how and where to file a complaint.

The Section 504 implementing regulation, at 34 C.F.R. § 104.61, prohibits institutions from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing related to the laws enforced by OCR. Title II includes a similar requirement.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a Voluntary Resolution Agreement. The provisions of the agreement must be aligned with the complaint allegations or the information obtained during the investigation and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the University requested to resolve the complaint through a Voluntary Resolution Agreement (the Agreement), which was executed by the University on March 20, 2015. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the University's implementation of the Agreement.

Accordingly, OCR is concluding its investigation of this allegation as of the date of this letter. This letter is not intended nor should it be construed to cover any other issues regarding the University's compliance with Section 504 and Title II which may exist and are not discussed herein. The Complainant may have the 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. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, you may file another complaint alleging such treatment.

Page 3 – Dr. Wallace D. Loh, President

If you have any questions, please feel free to contact Diane Riddick, Equal Opportunity Specialist, at (215) 656-8583, or by email at diane.riddick@ed.gov.

Sincerely,

/S/

Beth Gellman-Beer
Team Leader
Philadelphia Office