



**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

**July 28, 2021**

**IN RESPONSE, PLEASE REFER TO DOCKET #03212086**

Via E-mail Only(president@umd.edu)

Darryll J. Pines, Ph.D.  
President  
University of Maryland, College Park  
1101 Main Administration Building  
7901 Regents Drive  
College Park, MD 20742-5025

Dear Dr. Pines:

This is to advise you of the resolution in the above-referenced 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) by XXXXXXXXXXXXXXXXXXXXX, (the Complainant). The Complainant alleged that the University retaliated against her for filing a race and disability discrimination complaint in 2020 with the XXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXX against the Math Department by:

1. XXX  
XX  
XXXXXX
2. XXX

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. OCR also enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department.

The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding.

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

In the course of our investigation, OCR reviewed documents and information provided by the Complainant and the University and interviewed the Complainant and University staff. Prior to completion of OCR’s investigation, the University requested to voluntarily resolve the allegations in the complaint.

**Legal Standard**

The regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), at 34 C.F.R. § 100.7(e), prohibits retaliation. To establish a prima facie case of retaliation, OCR must determine whether: (1) an individual experienced an adverse action caused by the recipient; (2) the recipient knew that the individual engaged in a protected activity; and (3) there is evidence of a causal connection between the adverse action and the protected activity. While OCR would need to address all the elements in order to find a violation, it is not necessary to address all these elements in order to find insufficient evidence of a violation, where the evidence otherwise demonstrates that retaliation cannot be established. If these elements are present, then a prima facie case of retaliation is established, and OCR next considers whether the recipient has identified a legitimate, nondiscriminatory reason for taking the adverse action. If so, OCR then considers whether the reason asserted is a pretext for discrimination. Notice of the protected activity to the recipient, and not necessarily to the alleged individual retaliator(s), is sufficient to establish the notice requirement. OCR follows the general principle that as the time period between the protected activity and the materially adverse action increases, the likelihood that there is a causal link between these two activities decreases. Other evidence of a causal connection may include the recipient’s treatment of the complainant compared to other similarly situated individuals, the recipient’s deviation from established policies or practices, and changes to the treatment of the complainant after the protected activity occurred.

**Factual Findings**

During the 2020-21 academic year, the Complainant was enrolled in the University’s undergraduate program, with a goal of applying to a graduate Economics program. The Complainant stated that the University recommends that students interested in pursuing graduate study in economics prepare by taking certain math courses as an undergraduate. XX

XX  
XXXXXXXXXXXXXXXXXXXXXXXX

XX – Paragraphs Redacted – XX

**Conclusion**

XX – Paragraph Redacted – XX

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 Resolution Agreement and OCR determines that such a resolution is appropriate. The provisions of the Resolution Agreement must be aligned with the complaint allegations, the information obtained in the investigation to date, and be consistent with applicable regulations. Such a request does not constitute an admission of a violation on the part of the University nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, on July 9, 2021, prior to the conclusion of OCR's investigation, the University requested to resolve the allegations of the complaint through a Resolution Agreement. On July 23, 2021, the University signed this Agreement. As is our standard practice, OCR will monitor the University's implementation of the Agreement, a copy of which is enclosed. When fully implemented, the Agreement will fully address the allegations. Accordingly, OCR is concluding its investigation of the complaint as of the date of this letter.

This concludes OCR's investigation of the complaint and 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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation. This letter sets forth OCR's determination in an individual OCR case. 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.

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, the Complainant may file another complaint alleging such treatment.

Thank you for your cooperation during this investigation. If you have any questions or concerns regarding OCR's case determination, you may contact Marcia Jones, Investigator, at 215-656-8555 or by email at [marcia.jones@ed.gov](mailto:marcia.jones@ed.gov) or Gina DePietro, Team Attorney, at (215) 656-8595 or by email at [gina.depietro@ed.gov](mailto:gina.depietro@ed.gov).

Sincerely,

/s/

Christina M. Haviland  
Supervisory Attorney  
Philadelphia Office

cc: Diane Krejsa, Esq. (via email only)