



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620  
DALLAS, TEXAS 75201-6831

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

August 31, 2020

Ref: 06172026

Dr. Thomas M. Evans, President  
University of the Incarnate Word  
4301 Broadway Street  
San Antonio, Texas 78209

Via e-mail only (presidentsoffice@uiwtx.edu)

Dear Dr. Evans,

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received on October 28, 2016, filed against the University of the Incarnate Word (UIW), in San Antonio, Texas. The Complainant alleged that the UIW discriminates against individuals with disabilities.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), or an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability. The UIW is a recipient. Therefore, OCR has jurisdiction over this complaint under Section 504.

OCR opened the following issue for investigation—whether individuals with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the UIW because the UIW's facilities are inaccessible to or unusable by persons with disabilities, in violation of Section 504, at 34 C.F.R. §§ 104.21-104.23.

OCR reviewed information provided by the Complainant and the UIW. OCR also conducted an onsite inspection at the UIW. OCR's preliminary review of the information gathered indicates buildings and facilities identified by the Complainant were located on the UIW's main campus which is divided into two sides—east and west—and connected by a bridge traversed by vehicles and pedestrians. The majority of the UIW's classrooms and administrative buildings are located on the east side of campus, and the majority of the residence halls, athletic facilities, and conference centers are located on the west side of campus. Parking facilities are located throughout the campus. Evidence reviewed by OCR indicates that, with respect to the buildings and facilities

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by fostering educational excellence and ensuring equal access.

the Complainant identified, some do not have accessible entrances or compliant accessible routes. Additionally, the evidence indicates some accessible entrances were locked during hours in which non-accessible entrances to said buildings were unlocked. With respect to accessible parking facilities, the evidence indicates that some of the parking lots and garages identified by the Complainant may not have the required number of accessible spaces. Additionally, some of the existing accessible parking spaces may not be on the nearest path of travel to the corresponding building or facility's accessible entrance(s). The evidence also indicates a curb ramp was present in the access aisle of an accessible parking space, and a UIW golf cart was parked in the access aisle of an accessible parking space. Regarding signage, the evidence indicates the UIW does not have a sufficient amount of directional signage identifying accessible entrances, accessible routes, and accessible parking spaces. Additionally, some of the UIW's existing assessable parking signage is not mounted at the appropriate height. Regarding rest areas, the evidence indicates several of the UIW's rest areas are not accessible to individuals with mobility impairments as constructed.

Prior to the conclusion of OCR's investigation, the UIW informed OCR that it was interested in resolving the issue opened for investigation. Section 302 of OCR's Case Processing Manual (CPM) provides that an allegation may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved the UIW's request to resolve the issue opened for investigation.

The UIW voluntarily signed the enclosed resolution agreement (Agreement) on August 27, 2020. OCR determined the Agreement resolves the issue opened for investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the UIW's implementation of the Agreement to ensure all commitments are satisfied.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a complaint with OCR.

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, it 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.

If you have any questions about this letter, please contact Najwa-Monique Sharpe, the attorney assigned to investigate your complaint, at (214) 661-9642, or by e-mail at [najwa-monique.sharpe@ed.gov](mailto:najwa-monique.sharpe@ed.gov). You may also contact me at 214-661-9648 or by e-mail at [timothy.caum@ed.gov](mailto:timothy.caum@ed.gov).

Sincerely,

Timothy D. Caum  
Supervisory Attorney/Team Leader  
OCR, Dallas Office

CC: Cynthia S. Escamilla, Vice President of Legal Affairs and General Counsel via e-mail only  
(cyescami@uiwtx.edu)