



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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April 2, 2018

Dr. Juan Sánchez Muñoz
President
University of Houston-Downtown
One Main Street
Houston, TX 77002
UHDPresident@uhd.edu

Via U.S. mail and email

Ref: 06172340-University of Houston-Downtown

President Muñoz:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint for resolution. The complaint was received in our office on September 26, 2017, and filed against the University of Houston-Downtown (UHD or Recipient), in Houston, Texas. The Complainant alleged that UHD discriminated against him on the basis of disability by failing to provide him with necessary academic adjustments and/or auxiliary aids and services during the fall 2017 semester after he provided documentation of his disabilities.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, 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. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities.

UHD is a recipient of Federal financial assistance from the Department and is a covered public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

Based on the complainant's allegations, OCR opened for investigation the following legal issue:

- Whether the University failed to 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 disability, against a qualified disabled student, by failing to provide the Student with necessary academic adjustments and/or auxiliary aids and

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services during the fall 2017 semester, in violation of Section 504 at 34 C.F.R. Section 104.44, and Title II, at 28 C.F.R. Section 35.130.

During its investigation, OCR reviewed information provided by UHD. Prior to the completion of OCR's investigation, UHD informed OCR that it was interested in resolving the complaint allegations. Section 302 of OCR's *Case Processing Manual* provides that a complaint 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 voluntary 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 UHD's request to resolve this complaint prior to the conclusion of the investigation.

UHD voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the Agreement was signed by UHD on March 29, 2018. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance UHD will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor UHD's implementation of the Agreement. Please be advised that if UHD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

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.

Please be advised UHD 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.

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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions or concerns regarding this matter, you may contact the investigator attorney assigned to your complaint, Craig Nydick, at (214)-661-9622 or craig.nydick@ed.gov. You may also contact me at (214)-661-9600.

Sincerely,

Melissa Malonson
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

cc: Jennifer E. Bloom (Jebloom@uh.edu), Sr. Assistant General Counsel, UH System/UH