



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

August 23, 2018

Ref: 06181012

[XXXX to end of address line]

Dear [XXXX XXXX]:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the College of Health Care Professions – Northwest Houston Campus (College). The complainant alleged that the College discriminated against [XXXX] on the basis of disability. Specifically, the complainant alleged:

1. [XXXX to end of allegation]; and
2. In [XXXX XXXX XXXX XXXX], faculty and staff subjected the complainant to disability-based harassment (e.g., [XXXX to end of parenthesis]).

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), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability. The College is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to process this complaint to resolution pursuant to Section 504.

Based on the complaint allegations and OCR's jurisdictional authority, OCR opened the following issues for investigation:

1. Whether the College treated the complainant differently on the basis of disability in the context of an educational program or activity without a legitimate, nondiscriminatory reason (e.g., [XXXX to end of parenthesis]), and thereby, interfered with or limited the complainant's ability to participate in or benefit from the services, activities or privileges provided by the College during [XXXX XXXX], in violation of Section 504, at 34 C.F.R. § 104.4; and
2. Whether the College discriminated against the complainant on the basis of disability by failing to take prompt and effective responsive action to address disability-based harassment by faculty and staff (i.e., [XXXX to end of parenthesis]), which was sufficient to constitute a hostile environment, of which it had or should have had notice during [XXXX XXXX], in violation of Section 504, at 34 C.F.R. § 104.4.

During its investigation, OCR reviewed information provided by the College. Prior to the completion of OCR's investigation, the College informed OCR that it was interested in resolving the complaint allegations. Section 302 of OCR's *Case Processing Manual* (CPM) provides that a complaint may be resolved at any time when, prior to the point when the Regional Office issues a final determination under CPM Section 303, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them with an agreement. OCR approved the College's request to resolve this complaint prior to the conclusion of the investigation.

The College signed the enclosed Resolution Agreement (Agreement) on August 20, 2018. OCR has determined that, when fully implemented, the Agreement will address all of the complaint allegations. Further, OCR accepts the Agreement as an assurance the College will fulfill its obligations under Section 504 with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. As of the date of this letter, OCR's investigation of this complaint is closed. OCR will monitor the College's implementation of the Agreement. Please be advised that if the College fails to adhere to the actions outlined in the Agreement, OCR will 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. The complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised the College 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 individual may file a 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 your cooperation during the investigation and resolution of this complaint. If you have any questions regarding this letter, please contact General Attorney Cristin Hedman, the investigator assigned to the matter, at (214)-661-9647 or cristin.hedman@ed.gov. You may also contact me at (214)-661-9638 or lori.bringas@ed.gov.

Sincerely,

Lori Howard Bringas
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure: Signed Resolution Agreement