



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

January 7, 2021

Dr. Richard Ludwick, President
University of St. Thomas-Houston
3800 Montrose
Houston, TX 77006

Issued via Email (president@stthom.edu)

RE: OCR Case No. 06202293
University of St. Thomas

Dear Dr. Ludwick:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, filed against the University of St. Thomas-Houston (UST), in Houston, Texas. The Complainant alleged that UST discriminated against her based on disability when it failed to provide her with necessary academic adjustments and auxiliary aids.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit public entities from discriminating on the basis of disability. UHCL is a recipient and a covered public entity. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

OCR opened for investigation the following legal issue:

Whether the UST 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 Complainant with necessary academic adjustments and/or auxiliary aids during the fall 2019 semester (XX---phrase redacted---XX), in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130.

OCR reviewed information provided by the Complainant and data submitted by UST. OCR also conducted an interview with the Complainant. OCR's preliminary review indicates that the Complainant advised UST's Counseling and Disability Services (CDS) in or around XX---phrase redacted---XX semester. The evidence indicates CDS reviewed the Complainant's request and approved several academic adjustments and XX---phrase redacted---XX. During the XX---phrase redacted---XX.

Evidence indicates that between XX---phrase redacted---XX a copy of her accommodation letter to her UST professors. The Complainant alleged that XX---phrase redacted---XX and requested to use her extra time accommodation for a quiz she was required to complete before class. According to the Complainant, XX---phrase redacted---XX asked for her accommodation paperwork. The Complainant indicated that she gave a copy of the accommodation letter to the professor on the first day of class. The Complainant indicated that she subsequently withdrew from XX---phrase redacted---XX. The Complainant indicated that while XX---phrase redacted---XX failed to initially acknowledge that she had an approved accommodation, no situation arose after providing her accommodation letter where XX---phrase redacted---XX refused to provide the accommodation.

The Complainant alleged that between XX---phrase redacted---XX. OCR’s review indicates the Complainant had the XX---phrase redacted---XX. The Complainant reported that on XX---phrase redacted---XX assignment. The Complainant also XX---phrase redacted---XX. The Complainant reported XX---phrase redacted---XX. OCR reviewed interview XX---paragraph redacted---XX. OCR’s preliminary review of the evidence reflects a concern as to whether the Student’s necessary academic adjustments and auxiliary aids were provided by UST.

Prior to the conclusion of OCR’s investigation, UST informed OCR that it was interested in resolving the complaint. 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 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 UST’s request to resolve this complaint prior to conclusion of the investigation.

UST voluntarily signed the enclosed resolution agreement (Agreement) on January 6, 2021. OCR determined the Agreement addresses and resolves the issue under investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor implementation of the Agreement.

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 that a 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 retaliation 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, 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.

If you have any questions regarding this matter, please contact Camille F. Lacey, the attorney assigned to this complaint, at (214)-661-9683 or camille.lacey@ed.gov. You may also contact me at (214)-661-9648.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

cc: Gita P. Bolt, J.D., Chief Legal Counsel, *Via Email* (boltg@stthom.edu)
Karen Lisa Watkins, J.D., Outside Counsel, *Via Email* (lisa.atkins@ogletree.com)