



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

1201 Elm STREET, SUITE 1000
DALLAS, TEXAS 75201-6831

March 15, 2022

OCR Ref: 06222024

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

Via email (presidentsoffice@uiwtx.edu)

Dear Dr. Evans:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, received in our office on October 28, 2021, filed against the University of the Incarnate Word (the University), in San Antonio, Texas. The Complainant alleged that the University discriminates against individuals with disabilities by denying individuals with mobility impairments access to the University facility named “Henrich Center for Fencing and International Sports” (the Facility).

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 regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability. The University is a recipient; therefore, OCR has jurisdiction over this complaint under Section 504.

During the investigation to date, OCR interviewed the Complainant and reviewed information provided by the Complainant and the University. OCR’s preliminary review of the information provided by the University indicates the Facility was constructed in 2013. Therefore, the 2010 ADA Standards for Accessible Design (2010 Standards)¹ apply to the Facility. Regarding the Facility’s walking surfaces, under the 2010 Standards the cross slopes are not to be steeper than 1:48. The University’s data response indicated the cross slope of the path from the Facility’s upper parking to the sidewalk varied from 2.8% to 4%, which equates to 1:35 to 1:25. With respect to ramps, Section 405.2 of the 2010 Standards requires slopes to be not steeper than 1:12. In the University’s response, it identified the ramp up to the Facility’s west entrance as 1:10. However, a subsequent measurement from the District indicated the ramp is an 8 percent slope, which is slightly below 1:12. OCR’s preliminary review reflects a concern that the Facility does not meet the applicable accessibility requirements of the 2010 Standards.

¹ The 2010 ADA Standards for Accessible Design consist of 28 C.F.R. § 35.151 and the 2004 ADAAG at 36 C.F.R. Part 1191, appendices B and D.

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

Prior to the conclusion of OCR’s investigation, the University 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 complaint. 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 University’s request to resolve the complaint.

The University voluntarily signed the enclosed resolution agreement (Agreement) on March 14, 2022. OCR determined the Agreement addresses and, when fully implemented, resolves the issues under investigation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. However, OCR will monitor implementation of the Agreement. If the University fails to implement the Agreement, OCR will resume investigative activities.

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. You may have the right to file a private suit in Federal court whether or not OCR finds a violation.

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 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, 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 Brian Aurelio, the attorney assigned to investigate your complaint, at (214) 661-9661, or by e-mail at Brian.Aurelio@ed.gov. You may also contact me at 214-661-9648 or by e-mail at Timothy.Caum@ed.gov.

Sincerely,

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