



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI TEXAS

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

August 22, 2022

OCR Ref: 06222063

Dr. Jay Hartzell, President
University of Texas
110 Inner Campus Drive
Stop G3400
Austin, TX 78712

Via email (president@utexas.edu)

Dear Dr. Hartzell:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, received in our office on January 12, 2022, filed against the University of Texas (the University), in Austin, Texas. The Complainant alleged that the University discriminated against her (the Student) on the basis of disability.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 *et seq.*, and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination by recipients of Federal financial assistance from the Department (recipients) based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination based on disability by certain public entities. The University is a recipient and public entity. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

OCR opened the following legal issue for investigation:

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 Complainant with necessary academic adjustments ([XX Redacted XX]) during the fall 2021 semester, in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130.

During OCR's investigation to date, OCR reviewed information provided by the Student and the University and interviewed the Student and University staff. OCR's preliminary review of the evidence indicates that the Student identified herself to the University as a qualified person with a disability. The University's procedures to request academic adjustments indicate students are instructed to submit documentation, schedule an intake appointment after being notified the submitted documentation meets SSD's documentation guidelines, and complete required forms,

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

complete an intake appointment, and then sign documents. In order to schedule the intake appointment, students are instructed to call the SSD office. On September 2, 2021, the Student provided the University with medical documentation of her disabilities, notice that she needed academic adjustments, and a request for [XX Redacted XX]. The University indicated that the Student did not call to schedule your intake appointment until after September 14, 2021, when the Services for Students with Disabilities (SSD) office put a pause on scheduling intake interviews and did not call back until October 29, 2021. The evidence indicates SSD then informed the Student no interview slots were available for the remainder of the semester. The evidence indicates the Student called SSD in September and October after having submitted documentation on September 2, 2021 requesting accommodations, yet did not receive approval for any accommodations during the fall 2021 semester. Based on OCR's preliminary review referenced above, OCR found a concern that the University may not have provided the Student with necessary academic adjustments and/or auxiliary aids.

Prior to the conclusion of OCR's investigation, the University informed OCR that it was interested in resolving the concerns identified above. 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 the University's request to resolve the allegations prior to conclusion of the investigation.

The University voluntarily signed the enclosed resolution agreement (Agreement) on August 22, 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.

Please be advised that the University 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,

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