

Resolution Agreement
University of Texas
OCR Complaint No. 06222063

The U.S. Department of Education, Office for Civil Rights (OCR) and the University of Texas (the University) enter into this resolution agreement (Agreement) to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the following actions to comply with the requirements of 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; and 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.

Prior to the completion of OCR's investigation, the University agreed to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, the University agrees to take the following actions:

ACTION ITEM I

Within **ten (10) calendar days of the date of this Agreement**, the University will notify the Complainant in writing (return receipt requested and via e-mail) of the following:

- i. The Complainant may retake any class she was enrolled in during the fall 2021 semester (the Classes), with access to her approved accommodations, as long as the Complainant completes these classes by **December 31, 2023**. The Complainant must complete the enrollment process and satisfy enrollment requirements applicable to all students before taking the course.
- ii. If the Student completes any of the Classes by **December 31, 2023**, the grade the Complainant received for said class during the fall 2021 semester will be replaced with the grade she earns after retaking the class.

REPORTING REQUIREMENTS

Within **30 calendar days** of the execution of this agreement, the University will submit to OCR a copy of the letter sent to the Complainant and a copy of the receipt referenced in Action Item I above.

If the Complainant enrolls any of the Classes, within **30 calendar days** of the date the Complainant enrolls, the University will provide OCR with the following:

- i. Documentation showing the Complainant is on the class roster.
- ii. Documentation reflecting confirmation by the course instructor that the Complainant's approved accommodations, if any, for the relevant semester were identified (notice given to the instructor) by the instructor.

If the Complainant completes the class, within **30 calendar days** of the date the Complainant completes the course, the University will provide OCR with documentation indicating the following:

- i. Evidence that the Complainant's approved accommodations were provided; and
- ii. The grade the Complainant earned by retaking the class has replaced the grade the Complainant received for the course during the fall 2021 semester.

ACTION ITEM II

By **November 15, 2022**, the University will conduct a training session for all Services for Students with Disabilities (SSD) staff and the Section 504/Title II coordinator (University Staff) regarding its obligations under Section 504 and Title II. The training will include policies and procedures relevant to requests for accommodations, the interactive process between SSD staff and students, requirement the University provide academic adjustments of adequate quality and effectiveness to students who identify themselves as a qualified person with a disability and provide adequate notice to the University they believe they need academic adjustments that are necessary, and how approved accommodation information is communicated to instructors. The training will be created by one or more individuals knowledgeable about the University's obligations under Section 504 and Title II and may be delivered to SSD/University staff referenced above in an electronic format.

REPORTING REQUIREMENTS

By **November 30, 2022**, the University will provide OCR information about the training described in Action Item II that includes, but is not limited to: sign-in sheets for all training sessions evidencing all staff who attended the training; the date(s) the training session(s) were conducted; a copy of the training materials used; and the name, credentials, and contact information of the individual(s) who provided the training to comply with Action Item II.

By signing the resolution agreement, the recipient agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the resolution agreement.

The recipient understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the recipient is in compliance with the terms of the agreement and the statutes and regulations at issue in the case

The recipient understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statutes and regulations. Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University's representative below.

Dr. Jay Hartzell, President
University of Texas - Austin

Date