



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

March 6, 2023

XXXXXXXX, President
University of North Texas
1155 Union Circle #311277
Denton, Texas, 76203
Via email only at: XXXXXXXX

OCR Complaint No: 06-22-2298

Dear XXXXXXXX:

This is to notify you 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 North Texas (University), in Denton, Texas. The Complainant alleged the University discriminated against her based on her disability. OCR opened this case under the Rapid Resolution Process (RRP) on October 19, 2022.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department and is a public education system, OCR has jurisdiction over it pursuant to Section 504 and Title II.

OCR opened the following issue for investigation:

Whether the University, on the basis of disability, excludes qualified persons with disabilities from participation in, denies them the benefits of, or otherwise subjects them to discrimination in its programs and activities (i.e., the University's online paralegal certification program) based on disability, in violation of Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130.

A finding that a recipient has violated one of the laws that OCR enforces must be supported by a preponderance of the evidence (i.e., sufficient evidence to prove that it is more likely than not that unlawful discrimination occurred). When there is a significant conflict in the evidence and OCR

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

is unable to resolve that conflict, for example, due to the lack of corroborating witness statements or additional evidence, OCR generally must conclude that there is insufficient evidence to establish a violation of the law.

During the course of the investigation, OCR reviewed documentation from the University and the Complainant regarding the allegation at issue in this complaint. In particular, OCR reviewed an email exchange between the Complainant and the University's Program Project Coordinator for the Professional Development Experience programs (PPC). OCR also reviewed the University's procedures for students with disabilities to request accommodations and determined that the procedures appropriately describe the process for students with disabilities to request accommodations.

Prior to the conclusion of OCR's investigation, the University expressed an interest in resolving this issue pursuant to OCR's *Case Processing Manual* (CPM) Section 302 and OCR approved the University's request to resolve the issue prior to the conclusion of the investigation. The basis for OCR's resolution is discussed below in more detail.

Resolution

The Complainant alleged that the University violated Section 504 when the PPC informed her that the University's online paralegal certification program did not provide accommodations to disabled students. OCR reviewed an email exchange between the Complainant and the PPC. In the email, the PPC stated to the Complainant that, "the [online paralegal] course is not currently designed to accommodate those with disabilities. . ." OCR additionally spoke with counsel for the University, who verified the email exchange occurred.

Based on the investigation to date, OCR was concerned the University provided information contrary to its requirements under Section 504 with regard to providing accommodations to qualified students with a disability.

Prior to the conclusion of OCR's investigation, the University expressed an interest in voluntary resolution of this issue pursuant to OCR's CPM Section 302. On March 6, 2023, the University entered into the attached Agreement, which adequately addresses these concerns. OCR has determined the provisions of the Agreement are aligned with this complaint allegation and appropriately resolves it. Further, OCR accepts the Agreement as an assurance that the University will fulfill its obligations under the laws and regulations enforced by OCR with respect to the issue. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this issue. However, OCR will actively monitor the University's implementation of the Agreement. Please be advised that if the University fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

In light of the commitments the University has made in the Agreement, OCR finds that this complaint allegation is resolved, and OCR is closing its investigation of the allegation as of the date of this letter. OCR will monitor the University's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional

information as necessary to determine whether the University has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issue raised.

However, if the University fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 the University 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 complainant may file another complaint alleging such treatment. The Complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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 letter, please contact Jeff Coleman, the attorney assigned to this complaint, at (202) 987-1605, or jeffrey.a.coleman@ed.gov. You may also contact me at (214) 661-9600.

Sincerely,



Melissa Malonson
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure