



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

July 19, 2023

Via email only at: uhdpresident@uhd.edu

xxxx

University of Houston - Downtown
One Main Street
Houston, TX 77022

OCR Complaint No. 06-23-2120

Dear xxxx:

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 Houston – Downtown (University), in Houston, Texas. The Complainant alleged during the xxxx academic year, the University discriminated against a Student based on her disability (xxxx) when it failed to: (1) provide an effective accommodation, (2) provide the Student with her requested accommodation, and (3) engage in an interactive process with the Student.

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 University receives Federal financial assistance from the Department, OCR has jurisdiction to resolve this complaint.

OCR initiated an investigation of this complaint pursuant to OCR's Rapid Resolution Process (RRP) at Section 203 of OCR's *Case Processing Manual* (CPM). RRP is an expedited case processing approach that can be used to resolve cases in any of OCR's statutory areas. OCR considered the following issue in RRP:

1. Whether the University discriminated against the Student on the basis of disability by failing to provide her with an aid, benefit, or service that is not as effective as that provided to others in violation of 34 C.F.R. § 104.4(b)(1)(iii); and by failing to: (1) furnish appropriate auxiliary aids and services where necessary to afford the Student with an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity; (2) give primary consideration to the Student's

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

request for services (xxx) and (3) engage in the interactive process with the Student, in violation of 28 C.F.R. § 35.160(b).

During the processing of this complaint, OCR spoke with the Complainant and the General Counsel for the University. OCR also reviewed documentation provided by the Complainant. OCR's investigation revealed that the Student currently attends University of Houston – Downtown. On April 12, 2023, the University indicated it wanted to resolve the complaint.

After OCR notified the University of the complaint and discussed OCR's expedited case processing approach, the University expressed interest in taking action to resolve the allegation. Section 203 of the CPM states that, "*where a recipient has indicated that it is willing to take action in the future to resolve the allegation(s)...upon the recipient's request and OCR's agreement, the allegation(s) may be resolved pursuant to Section 302.*" Based on the foregoing, OCR has determined that it is appropriate to resolve this complaint by obtaining a resolution agreement, the implementation of which OCR will monitor.

On July 19, 2023, the University submitted the enclosed signed Resolution Agreement (Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint.

In light of the commitments the University has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation 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.

This concludes OCR's investigation of this complaint. 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 shall 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 individual 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 Sadia Rahman, the attorney assigned to this complaint, at (202) 987-1215, or sadia.rahman@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