



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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July 17, 2018

SENT VIA EMAIL

Ms. XXXXX S. XXXXX, Attorney
XXXX Main Street, Suite XXXX
Kansas City, MO 64112-2551

Re: OCR Case Number: 07-18-2042
Cleveland University-Kansas City

Dear Ms. XXXXX:

On January 18, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Cleveland University-Kansas City, Overland Park, Kansas (University). The Complainant alleged that the University discriminated against her on the basis of disability. This letter is to confirm that the University has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA).

Additional information about the civil rights statutes OCR enforces is available at <http://www.ed.gov/ocr>.

The University is a recipient of FFA from the Department. Consequently, OCR has jurisdiction to investigate and resolve this complaint pursuant to Article III of OCR's *Case Processing Manual* (CPM).¹

OCR investigated whether the University discriminated against the Complainant on the basis of disability by failing to provide her with academic adjustments and auxiliary aids in violation of 34 C.F.R. § 104.44(a).

On May 23, 2018, OCR sent notification letters to the parties, including a data request to the University. On June 27, 2018, the University provided data responsive to OCR's data request.

¹ The CPM is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

Prior to the completion of OCR's investigation, the University requested to resolve this complaint pursuant to Section 302 of OCR's CPM, which states: "*[a]llegations and issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation.*"

On July 16, 2018, the University signed an Agreement (copy attached) that, when fully implemented, will resolve the allegation in this investigation. To resolve the allegation in this investigation, the University agreed to review and assess its current process of notifying instructors of University approved academic adjustments and auxiliary aids/services (academic adjustments) for students in their courses. In addition, to resolve any adverse impact on the Complainant arising from the allegation, the University agreed to schedule a meeting with the Complainant to engage in a re-assessment of the Complainant's needs through an interactive process to ensure all appropriate academic adjustments are made available to the Complainant consistent with Section 504. As part of this process, the University will ensure that any approved accommodation plan will identify with specificity the manner, format, timing, and location of any approved academic adjustments, as appropriate. Please review the Agreement for further details.

OCR considers this complaint resolved effective the date of this letter and will monitor the University's implementation of the Agreement. When OCR concludes the University has fully implemented the terms of the Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume the investigation.

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, please be advised that individual may file another complaint alleging such treatment.

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.

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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

If you have any questions, please contact XXXXX XXXXX, Attorney at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXXXX.XXXXX@ed.gov.

Sincerely,

J. Earlene Gordon
Supervisory Attorney

Attachment