



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 9, 2016

Dr. Lesley Di Mare
President
Colorado State University - Pueblo
2200 Bonforte Boulevard
Pueblo, Colorado 81001

Re: Colorado State University - Pueblo
OCR Case Number 08-16-2113

Dear President Di Mare:

On February 16, 2016, we received a complaint alleging the Colorado State University - Pueblo (University) discriminated against the Complainant based on her disability (mobility).

Specifically, the Complainant alleged that the University failed to provide the Complainant with her approved academic accommodation of extended time on exams. The Complainant also alleged that the entrance to the work study office (221C) located inside the Nursing Department office is inaccessible to individuals with mobility disabilities.

We initiated an investigation of the complaints under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The University is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to investigate this complaint pursuant to Section 504 and Title II.

Under the Case Processing Manual¹ (CPM), OCR's case processing procedures include the Rapid Resolution Process (RRP), which provides an expedited resolution for certain OCR complaints if a recipient expresses an interest in immediately resolving the complaint allegation or has taken action to resolve the complaint allegation.

In accordance with OCR's case processing procedures, OCR determined that it was appropriate to attempt to resolve the complaint allegation of whether the University failed to provide the Complainant with approved academic accommodations of extended time on exams through the RRP. Accordingly, OCR contacted the University on June 30, 2016, to provide the opportunity to resolve the allegation through the RRP. In order to resolve the first allegation, OCR requested that the University change the Complainant's grade of "F" to a withdrawal; refund the amount of

¹ The Case Processing Manual is available on OCR's website at http://www.ed.gov/about/offices/list/ocr/docs/ocr_cpm.htm

the tuition and fees for the cost of the course; and provide the Complainant with written correspondence notifying her of these changes. In addition the University agreed to invite the Complainant to retake the course at her cost. The University sent this correspondence to the Complainant's legal representative on July 19, 2016. In this correspondence, the University explained that the Complainant's "F" in the ECON 201 class will be changed to a withdrawal (W). The University also enclosed a copy of the Complainant's transcript which indicates the grade change. The University also notified the Complainant's legal representative that the Complainant will receive a credit to her account for the tuition and fees for the ECON 201 course that were paid on her behalf through financial aid. The University also informed the Complainant's legal representative that after the crediting of this course to her account, the Complainant has a credit of \$92.05 owed to her after the accounting adjustment. The University also attached a worksheet that explained the Complainant's account with the University.

Pursuant to Section 207(a) of the CPM, OCR will close a complaint allegation where the University has already taken action that will resolve the complaint, the appropriate relief has been verified by the Complainant's legal representative, and the relief does not require monitoring by OCR. Based on the above information, OCR has determined that the complaint allegation has been resolved and will take no further action with respect to your complaint, which has been closed as of the date of this letter.

Additionally, prior to the completion of our review of the data response, the University expressed an interest and willingness in resolving the accessibility allegation involving the work study office (221C) through a voluntary agreement with OCR. We determined that it is appropriate to resolve the accessibility complaint at this juncture because OCR's investigation of the complaint has not been concluded and further evidence, including requesting additional information and interviews would need to be conducted to make a compliance determination. Pursuant to Section 302 of OCR's CPM, resolution options were discussed with the University. The University has entered into the enclosed Agreement, which, when fully implemented, will resolve the concerns raised by the complaint. The provisions of the Agreement are aligned with the accessibility issue and the allegation raised in the complaint and are consistent with the applicable regulations.

Upon completion, these steps will ensure the University meets Section 504 and Title II obligations to provide access to persons with mobility impairments.

We will monitor the University's implementation of the terms of the Agreement until all provisions have been satisfied. OCR has notified the Complainant that the University has entered into this Agreement, and we will provide the Complainant a copy of the Agreement. We will also keep the Complainant apprised of monitoring activities related to this case.

This concludes our investigation of this complaint. This letter addresses only the allegations raised in this complaint and should not be interpreted as a determination of the University's compliance or noncompliance with Section 504 and Title II, or any other federal law in any other respect. Accordingly, we are closing the investigation of the complaint effective the date of this letter.

OCR routinely advises recipients of Federal funds and public educational entities that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR. Additionally, the Complainant has 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. If OCR receives such a request, we will protect personal information to the extent provided by law.

Thank you for your cooperation and the University's attention to this matter. If you have any questions regarding this matter, please contact Rachel Phillips-Cox, Equal Opportunity Specialist and the primary contact for this case, at 303-844-4559, or by email at Rachel.Phillips-Cox@ed.gov.

Sincerely,

/s/

Angela Martinez-Gonzalez
Supervisory General Attorney

Enc. Resolution Agreement

cc: Johnna Doyle
University Legal Counsel