



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

December 20, 2021

XXX
13001 East 17th Place
Aurora, CO 80045

Sent via email only to chancellor@cuanschutz.edu

Re: **University of Colorado Anschutz**
OCR Case: 08-21-2156

Dear XXX:

On June 11, 2021, the U.S. Department of Education (“Department”), Office for Civil Rights (OCR) received a complaint alleging that University of Colorado Anschutz (University) discriminated against the Complainant on the basis of disability and retaliated against the Complainant. Specifically, the Complainant alleged that the University discriminated against her on the basis of disability and retaliated against her by preventing her from returning to medical school in April 2021.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Individuals filing a complaint, participating in an investigation, or asserting a right under Section 504 and Title II are protected from retaliation, intimidation, or coercion by 34 C.F.R. Section 104.61, as it incorporates 34 C.F.R. Section 100.7(e), and by 28 C.F.R. Section 35.134. As a recipient of Federal financial assistance from the department and a public entity, the University is subject to these laws.

In the initial stages of investigating this case, OCR interviewed the Complainant and reviewed documents and records provided by the Complainant. On July 21, 2021, OCR formally notified the University that OCR was opening an investigation into the allegations and requested information and records. In reviewing information from the Complainant and the University, OCR learned the following:

- The Complainant and the University entered into a previous Settlement Agreement in XXX to address a prior dispute between the parties relating to the Complainant’s disabling condition and her enrollment status in the University’s program.

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

- The Settlement Agreement reflects that the parties agreed the Complainant would work with the Colorado Physician Health Program (CPHP) to ensure that she was ready to return to school, and that she would not request additional modifications to the University's curriculum. The Complainant was represented by legal counsel.
- In August 2020, the Complainant was admitted to the hospital to be treated for XXX. The University placed the Complainant on a Medical Leave of Absence as a result of her hospitalization.
- The Complainant wanted to return to school in the spring of 2021 and worked with CPHP to ensure that she was ready to return as agreed upon in the Settlement Agreement.
- In April 2021, CPHP supported the Complainant's return to school with certain additional accommodations.
- The University denied the Complainant's request to return to school with the additional accommodations as recommended by CPHP. The University cited the provision in the Settlement Agreement limiting the Complainant's ability to request additional modifications and also suggested that the requested modifications would fundamentally alter their program.

Prior to OCR completing its investigation, the University expressed an interest in voluntarily entering into an agreement to resolve the allegations pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), to resolve the allegations with an agreement (Agreement) without completing its investigation. We reviewed this request and all of the information gathered so far and determined that it justified entering into an agreement without completing a full investigation of the complaint. On November 23, 2021, we sent the University a proposed Agreement. The University sent OCR a fully executed Agreement on December 20, 2021. A copy of the signed Agreement is enclosed.

When the Agreement is fully implemented, the above-listed allegations will be resolved consistent with the requirements of Section 504 and Title II and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the University demonstrating that the terms of the Agreement have been fulfilled. OCR will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the Agreement and will require actions to address such deficiencies. If the School fails to implement the Agreement, OCR will take appropriate action, which may include enforcement actions.

OCR is closing the investigative phase of the case effective the date of this letter. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the University has fulfilled all the terms of the Agreement. When the monitoring phase of the case is complete, OCR will close case number 08-21-2156 and will send a letter to the Complainant and the University stating that the case is closed.

This letter sets forth OCR's determination in an individual 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.

Recipients of Federal funds are prohibited from intimidation, harassment, or retaliation against individuals filing a complaint 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. Please note the Complainant may have the 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 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, please contact the attorney assigned to this case, XXX XXX, by email at XXX.

Sincerely,

/s/

Sandra J. Roesti
Supervisory Attorney

cc: xxx xxx, counsel for the School, *by email only*

Attachment: Resolution Agreement