



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515  
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PHILADELPHIA, PA 19107-3323

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June 1, 2016

IN RESPONSE, PLEASE REFER TO DOCKET #03162060

Rev. Brian F. Linnane, S.J.  
President  
Loyola University Maryland  
4501 N. Charles Street  
Baltimore, MD 21210

Dear President Linnane:

The Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) has completed its investigation of the complaint filed against Loyola University Maryland (University) alleging discrimination on the basis of disability. The Complainant, XXXXXX, alleged that XXXXXX (the course), XXXXXX, the University did not properly implement his approved testing accommodations. XXXXXX.<sup>1</sup>

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Because the University receives Federal financial assistance from the Department, it is subject to this law.

OCR applies a preponderance of the evidence standard to determine whether the evidence is sufficient to support a particular conclusion. Specifically, OCR examines the evidence in support of and against a particular conclusion to determine whether the greater weight of the evidence supports the conclusion or whether the evidence is insufficient to support the conclusion.

In reaching a determination, OCR reviewed information provided by the Complainant and the University and interviewed the Complainant and University staff. After carefully considering all of the information obtained during the investigation, OCR has determined that there is sufficient evidence to support the Complainant's allegation. OCR's findings and conclusions are discussed below.

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<sup>1</sup> XXXXXX

**Legal Standards**

The Section 504 regulation, at 34 C.F.R. § 104.43(a), provides that a qualified person with a disability may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability. The regulation at § 104.44(a) requires a university to modify its academic requirements as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against a qualified student with a disability.

A university may establish reasonable requirements and procedures for students to provide documentation of their disability and request academic adjustments and auxiliary aids and services. Students are responsible for obtaining disability documentation and for knowing and following the procedures established by the university. Once the student has provided adequate notice and documentation of his/her disability and the need for modifications due to the disability, the university must provide the student with appropriate academic adjustments and auxiliary aids and services that are necessary to afford the student an equal opportunity to participate in a school’s program. However, the university is not required to make adjustments or provide aids or services that would result in a fundamental alteration of the university’s program or impose an undue burden.

**Factual Background**

The Complainant was identified by the University as a student with a disability and had an approved testing accommodation XXXXXX. XXX- paragraph redacted -XXX

XXX- paragraph redacted –XXX

XXX- paragraph redacted –XXX

XXX- paragraph redacted –XXX

XXX- paragraph redacted –XXX

**Analysis and Conclusion**

OCR’s investigation determined that the University did not provide the Complainant with his approved testing accommodations XXXXXX. XXX- paragraph redacted –XXX

XXX- paragraph redacted –XXX

To remedy this violation, the University entered into a Resolution Agreement with OCR on May 27, 2016. A copy of the signed Agreement is enclosed. When fully implemented, the resolution agreement will address all of OCR's compliance concerns. Accordingly, OCR is concluding its investigation of this complaint. As is our standard practice, OCR will monitor the implementation of the agreement until the University is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.41, 104.43(a) and 104.44(a), which were at issue in this complaint.

This concludes OCR's investigation of the complaint. This letter is not intended, nor should it be construed, to cover any other issues regarding the University's compliance with Section 504, and its implementing regulations other than those addressed in this letter. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 that 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.

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.

We appreciate the University's cooperation in the resolution of this complaint. If you have any questions regarding this letter, please contact DeShawn Jones, the OCR investigator assigned to this complaint, at 215-656-3242 or [deshawn.jones@ed.gov](mailto:deshawn.jones@ed.gov).

Sincerely,

/s/

Vicki Piel  
Supervisory Attorney/Team Leader  
Philadelphia Office

Enclosure

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cc: Kathy Hoskins, University's attorney (via email only: [khoskins@gejlaw.com](mailto:khoskins@gejlaw.com))