



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

December 11, 2014

Vincent Cannady
17472 South 2950 Road
El Dorado Springs, Missouri 64744

Re: Docket # 07142210, 07142230, and
07142232

Dear Mr. Cannady:

On May 6, 2014, June 16, 2014, and June 17, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaints referenced above against the University of Missouri-Kansas City (University), Kansas City, Missouri. This letter is to confirm the University has voluntarily submitted a Resolution Agreement (Agreement) to resolve the allegations of these complaints.

Specifically, in Docket # 07142210, you alleged the University discriminated on the basis of disability when it would not allow the disabled students to present a constitution for a Disabled Students Council for approval by the student government association. In Docket # 07142230, you alleged: 1) the University discriminated on the basis of disability by refusing to hear and approve a budget for the Disabled Students Council; and 2) the University retaliated against you by refusing to hear and approve a budget for the Disabled Students Council. In Docket # 07142232, you alleged: 1) the University discriminated on the basis of disability by refusing to provide office space for the Disabled Students Council; and 2) the University retaliated against you for filing prior OCR complaints, when it refused to provide office space for the Disabled Students Council.

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 Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. The Section 504 regulation at 34 C.F.R. § 104.61 incorporates by reference the prohibition on retaliation and intimidation for engaging in a protected activity found in the regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, at 34 C.F.R. § 100.7(e).
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. The regulation implementing Title II at 28 C.F.R. § 35.134 also prohibits retaliation.

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www.ed.gov

As a recipient of Federal financial assistance from the U.S. Department of Education and a public entity, the University is subject to Section 504, Title II, and Title VI. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the completion of OCR's investigation, the University submitted a signed Agreement (copy enclosed) on [date] that, when fully implemented, will address the allegations of these complaints. For Docket # 07142210, the Resolution Agreement will require the University to send a certified letter return receipt requested and an email with return receipt requested to the Disabled Students Council vice president requesting that the vice president present a constitution for review. If the University receives a Disabled Students Council constitution for review, it will treat the Disabled Students Council constitution the same as other approved council constitutions. For Docket # 07142230, if a constitution for the Disabled Students Council is approved, the Resolution Agreement will require the University to allow the Disabled Students Council to request a budget for the 2014-15 academic year. For Docket # 07142232, if a constitution for the Disabled Students Council is approved, the Resolution Agreement will require the University to allow the Disabled Students Council to apply for office space for the 2014-15 academic year. The University will treat the Disabled Students Council the same as other student councils in the processes for requesting and receiving office space and a budget, and will provide office space and a budget for the Disabled Students Council for 2014-15 if the Disabled Students Council meets the University's eligibility requirements to receive office space and a budget. The University is required to provide documentation of its compliance with the Resolution Agreement. Please consult the Agreement for further details.

OCR considers these complaints 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 complaints. If the University fails to carry out the Agreement, OCR may resume the investigation.

This letter sets forth OCR's determination in the OCR cases referenced above. 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. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

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OCR is committed to prompt and effective service. If you have any questions, please contact Carol Hagan, Attorney for Docket # 07142210, at (816) 268-0563 (voice), (877) 521-2172 (telecommunications device for the deaf), or by email at Carol.Hagan@ed.gov, or Linda White, Attorney for Docket # 07142230 and 07142232, at (816) 268-0581 (voice), (877) 521-2172 (telecommunications device for the deaf), or by email at Linda.White@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Maria North". The signature is written in a cursive style.

Maria L. North
Supervisory Attorney

Enclosure