



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
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TENNESSEE

Dr. Glenda Baskin Glover
President
Tennessee State University
3500 John A. Merritt Boulevard
Nashville, Tennessee 37209

RE: Complaint #04-13-2449

Dear Dr. Glover:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation of the above-referenced complaint, filed on July 18, 2013, against the Tennessee State University (University). Specifically, the Complainant alleged that the University discriminated against her Grandmother, a person with a mobility impairment, because the University did not have sufficient accessible parking spaces for persons with disabilities who attended the University's Spring 2013 graduation exercises at the University's stadium.

OCR investigated the complaint pursuant to 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. Section 504 prohibit discrimination on the basis of disability by recipients of Federal financial assistance; 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, which prohibit discrimination on the basis of disability by public entities.

OCR investigated the legal issue of whether the University discriminated against the Grandmother by failing to have adequate accessible parking available during the University's 2013 graduation exercises, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.21, and the Title II implementing regulation at 28 C.F.R. § 35.149.

During OCR's onsite visit on December 9, 2013, and prior to the completion of OCR's investigation, the University requested to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), a complaint may be resolved when, before the conclusion of an investigation the recipient or public entity expresses an interest in resolving the complaint. The attached Resolution Agreement (Agreement) will require the University to take actions to remedy any compliance concerns regarding parking accessibility at the University's stadium, including graduation ceremonies.

On January 7, 2014, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the complaint. OCR will monitor the University's implementation of this Agreement to ensure that it is fully implemented. If the University fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. OCR notes that the Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University may not harass, coerce, 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. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

Thank you for your staff's cooperation during OCR's complaint resolution process. If you have any questions, please contact XX XXXXXX XXXXXX, Senior Investigator, at (XXX) XXX-XXXX, or by e-mail at XXXXXXXXXXXXXXXXXXXX, or XXXXX X XXXXXXX, Esq., Compliance Team Leader, at (XXX) XXX-XXXX.

Sincerely,

Cynthia G. Pierre, Ph.D.
Office Director
Atlanta Regional Office

Enclosure