

**RESOLUTION AGREEMENT**  
**Texas A&M University Kingsville**  
**OCR Complaint No. 06142088**

Texas A&M University Kingsville (TAMUK) agrees to take the following actions to implement this Resolution Agreement (Agreement) to resolve this complaint, which was opened for investigation by the U. S. Department of Education (Department), Office for Civil Rights, (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations at 28 C.F.R. Part 35. TAMUK is committed to complying fully with Section 504 and Title II, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement.

1. TAMUK will develop (or revise) its Notice of Non-Discrimination (Notice) to include: (1) a statement that it does not discriminate on the basis of disability in its programs and activities; and (2) identification by name (or position title), office address, and telephone number of the responsible employee(s) designated to coordinate TAMUK's efforts to comply with, and carry out, its Section 504 and Title II responsibilities. TAMUK may satisfy this obligation by developing a Notice that addresses multiple forms of discrimination as described at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

**REPORTING REQUIREMENT 1:** By **October 15, 2014**, TAMUK will submit to OCR for review and approval its Notice as specified in Action Item 1.

2. TAMUK will develop (or revise existing) grievance procedures to provide prompt and equitable resolution of allegations of disability-based discrimination (which includes harassment), in accordance with 34 C.F.R. § 104.7 (b) and 28 C.F.R. § 35.107(b). TAMUK may provide the disability-based discrimination grievance processes through an existing grievance procedure that addresses other forms of discrimination prohibited by TAMUK, as long as such procedures provide prompt and equitable resolution by including, at a minimum:
  - Notice to students and employees of the grievance procedures, including where complaints may be filed;
  - Application of the procedures to complaints alleging discrimination or harassment carried out by employees, other students, or third parties;
  - Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
  - Designated and reasonably prompt time frames for the major stages of the complaint process;
  - Written notice to parties of the outcome of the complaint;
  - An assurance that the school will take steps to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**REPORTING REQUIREMENT 2:** By **October 15, 2014**, TAMUK will submit to OCR for review and approval the grievance procedures as specified in Action Item 2.

3. **Within 30 calendar days** of TAMUK's receipt of the OCR's approval of the Notice described in Action Item 1, TAMUK will formally adopt the OCR-approved Notice and will ensure that the Notice is provided to participants, beneficiaries, applicants, and employees, in accordance with the Section 504 implementing regulation at 34 C.F.R. §104.9 and the Title II implementing regulation at C.F.R. §35.106, including posting such Notice in the location(s) where students, employees and the general public have access, including the TAMUK website and student and employee handbooks.

REPORTING REQUIREMENT 3: **Within 15 calendar days** of TAMUK's formal adoption and publication of its OCR-approved Notice, TAMUK will submit to OCR documentation evidencing completion of Action Item 3.

4. **Within 30 calendar days** of TAMUK's receipt of the OCR's approval of the grievance procedures described in Action Item 2, TAMUK will formally adopt the OCR-approved procedures and will publish the procedures in the location(s) where students and employees have access, including the TAMUK website and student and employee handbooks.

REPORTING REQUIREMENT 4: **Within 15 calendar days** of TAMUK's formal adoption and publication of its OCR-approved Section 504 and Title II grievance procedures, TAMUK will submit to OCR documentation evidencing completion of Action Item 4.

5. TAMUK will provide training on the grievance procedures described in Action Item 2 to its Section 504/Title II Coordinator(s) and any TAMUK personnel who will be directly involved in processing, investigating, and/or resolving complaints of disability discrimination or who will otherwise coordinate TAMUK's compliance with Section 504 or Title II.

REPORTING REQUIREMENT 5: By **December 1, 2014**, TAMUK will provide to OCR, for its review and approval, the following information with regard to the training referenced in Action Item 5 above: (1) the anticipated name(s) and credentials of the individual(s) selected to conduct the trainings, a proposed plan for the training sessions (e.g., length of the training sessions, topics to be considered, etc.), and a general description of the training materials to be used by the trainer(s) and/or to be provided to attendees during the training sessions. By **February 16, 2015**, TAMUK will provide documentation to OCR evidencing that the training required by Action Item 5 has been completed, including the identity of the individual(s) who conducted the training and the individual's qualifications, along with a copy of the materials used in such training and sign-in sheet(s) or other documentation showing the individuals who attended the training.

TAMUK agrees to comply with the terms of this Agreement until OCR has released it from monitoring. TAMUK understands that OCR will not close the monitoring of this Agreement until it determines that TAMUK has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II as noted above, which are applicable to this complaint.

TAMUK further understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, TAMUK understands that during the monitoring of this Agreement, OCR may visit TAMUK, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether TAMUK has complied with the terms of this Agreement and regulations implementing Section 504 and Title II as noted above.

Finally, TAMUK understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give TAMUK written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

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Dr. Steven H. Tallant, President  
Texas A&M University-Kingsville

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Date