



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
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TEXAS

September 18, 2017

Ref: 06162255

Dr. Dana L. Gibson, President
The Office of the President
Sam Houston State University
1806 Avenue J
Bobby K. Marks Administration Building, Suite 303
Huntsville, TX 77340

Via first class mail

Dr. Gibson:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint for resolution. The complaint was received in our office on July 1, 2016, and filed against Sam Houston State University (SHSU), in Huntsville, Texas. The complainant alleged that SHSU discriminated against her on the basis of disability.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. Because the SHSU is a recipient of Federal financial assistance from the Department and is a public entity, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

Based on the complainant's allegation, OCR opened for investigation the following legal issues:

1. Whether SHSU failed to make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified disabled student, by failing to provide the complainant with necessary academic adjustments and/or auxiliary aids (e.g., disallowing complainant's service dog on campus; not providing class transcriptions) during the during the 2015–2016 school year, in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130;

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

2. Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by SHSU because the doors at the George J. Beto Criminal Justice building and the Lowman Student Center are inaccessible to or unusable by persons with disabilities, in violation of Section 504 and Title II, at 34 C.F.R. §§ 104.21-104.23, and 28 C.F.R. §§ 35.149-35.151, respectively;
3. Whether SHSU treated the complainant differently on the basis of disability in the context of an educational program or activity (e.g., when an instructor ignored complainant's request for additional help; when the Services for Students with Disabilities Office (SSD) requires complainant to sign a letter stating she will not share class transcription information) without a legitimate, nondiscriminatory reason, and thereby, interfered with or limited the ability of the complainant to participate in or benefit from the services, activities or privileges provided by SHSU during the 2015–2016 school year, in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130.

During its investigation, OCR reviewed information provided by SHSU. Prior to the completion of OCR's investigation, SHSU informed OCR that it was interested in resolving the complaint allegation. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting voluntary resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations. OCR approved SHSU's request to resolve this complaint prior to the conclusion of the investigation.

SHSU voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the Agreement was signed by SHSU on September 14, 2017. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance SHSU will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor SHSU's implementation of the Agreement. Please be advised that if SHSU fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

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 SHSU 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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Mr. Craig Nydick, the attorney assigned to the matter at (214)-661-9622 or craig.nydick@ed.gov, or the Team Leader, Melissa Huling Malonson, at (214)-661-9600 or at melissa.malonson@ed.gov.

Sincerely,

Taylor D. August
Director
Office for Civil Rights
Dallas Office