



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

September 19, 2019

Via first class mail

Ref: 06172006

Dr. Danny J. Anderson, President
Trinity University
Office of the President
One Trinity Place
Northrup Hall 440
San Antonio, Texas 78212

Dear Dr. Anderson,

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, received in our office on October 11, 2016, filed against Trinity University (the University), in San Antonio, Texas. The complainant alleged the University discriminates against individuals with disabilities.

OCR is responsible for enforcing 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 (recipients). The University is a recipient. Thus, OCR has jurisdiction over this complaint under Section 504.

OCR opened the following legal issue for investigation:

Whether individuals with disabilities are denied the benefits of, excluded from participation in, University programs and activities, or otherwise subjected to discrimination under any University program or activity because certain aspects of the University campus are not accessible to individuals with mobility impairments, in violation of the Section 504 implementing regulations at 34 C.F.R. §§104.21 - 104.23.

The complainant indicated various buildings, parking lots and routes on campus are not accessible for persons with disabilities. OCR's preliminary review of the information provided by the University indicates the University's campus was built on an old limestone quarry and consists of a "lower" campus (which sits inside the basin of old quarry) and an "upper" campus. The majority of the classrooms and administrative buildings are on the "upper" campus, while the majority of the residence halls, athletic facilities and main dining hall are located on "lower campus." Evidence reviewed by OCR indicates that with respect to the buildings and facilities the complainant identified, some may not have accessible entrances or compliant accessible routes. The evidence also indicates that some of the parking lots identified by the complainant may not have the required number of accessible spaces and that some of the existing accessible parking spaces may not be on the nearest path of travel to the corresponding building or facility's accessible entrance(s).

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

Prior to the conclusion of OCR's investigation, the University informed OCR that it was interested in resolving the complaint. 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 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 the University's request to resolve this complaint prior to conclusion of the investigation.

The University voluntarily signed the enclosed resolution agreement (Agreement) on September 17, 2019. OCR determined the Agreement addresses and, when fully implemented, resolves the issue under investigation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor implementation of the Agreement. If the University fails to implement the Agreement, OCR will resume investigative activities.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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, it 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.

If you have any questions about this letter, please contact Stephanie Inman, the attorney assigned to investigate this complaint, at (214) 661-9651, or by e-mail at stephanie.inman@ed.gov. You may also contact me at 214-661-9648 or by e-mail at timothy.caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
OCR, Dallas Office

CC Via Email:

XXXX

XXXX

Attorneys for Trinity University