



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

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March 26, 2018

Carine M. Feyten, Ph.D.  
Chancellor & President  
Texas Woman's University  
PO Box 425587  
Denton, TX 76204  
[chancellor@twu.edu](mailto:chancellor@twu.edu)

*Via U.S. mail and email*

Ref: 06172271- Texas Woman's University

President Feyten:

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 27, 2017, and filed against Texas Woman's University (TWU or Recipient), in Denton, Texas. The Complainant alleged that TWU discriminated against her on the basis of disability, and that it retaliated against her.

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), 29 U.S.C. §794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which 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. § 12132, and its implementing regulation 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 certain public entities. Retaliation is also prohibited under these statutes.

TWU is a recipient of Federal financial assistance from the Department and is a covered public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

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

- 1) Whether TWU 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.,

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including, but not limited to extended testing time) during the Spring 2017 semester, in violation of Section 504, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130; and

- 2) Whether TWU retaliated against the Complainant by placing her on academic probation, then by preventing Complainant from registering for the Spring 2017 semester, because she asserted her right to Disability Support Services to have the accommodations in her 504 program implemented by her professors, in violation of Section 504 and Title II, at 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, respectively.

During its investigation, OCR reviewed information provided by TWU. Prior to the completion of OCR's investigation, TWU informed OCR that it was interested in resolving the complaint allegations. 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 TWU's request to resolve this complaint prior to the conclusion of the investigation.

TWU voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the Agreement was signed by TWU on March 21, 2018. 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 TWU 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 TWU's implementation of the Agreement. Please be advised that if TWU 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 TWU 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 or concerns regarding this matter, you may contact the investigator attorney assigned to your complaint, Craig Nydick, at (214)-661-9622 or [craig.nydick@ed.gov](mailto:craig.nydick@ed.gov). You may also contact me at (214)-661-9600.

Sincerely,

Melissa Malonson  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

cc: Destinee N. Waiters ([DWaiters@twu.edu](mailto:DWaiters@twu.edu)), General Counsel, Texas Woman's University