



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

June 6, 2019

Via first class mail and email

Ref: 06192074

Dr. Linda A. Livingstone, President
Office of the President, Baylor University
One Bear Place #97096
Waco, TX 76798-7096
Office_of_President@baylor.edu

Dear Dr. Livingstone,

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, received in our office on December 19, 2018, filed against Baylor University (the University), in Waco, Texas. In the complaint, 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 persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the University because the parking, entrances and routes to seating at the Jones Concert Hall are inaccessible to or unusable by persons with disabilities, in violation of Section 504 at 34 C.F.R. §§ 104.21-104.23.

OCR reviewed information provided by the complainant and the University. OCR also conducted preliminary interviews with both the complainant and the University's representative. OCR's preliminary review indicates the Jones Concert Hall is an auditorium located inside the University's McCray Music Building. The evidence indicates that there is a passenger drop off area in front of McCray Music Building and there is a parking lot adjacent to the rear of the building which has 155 parking spaces. Four of those spaces are identified as accessible parking spaces. The evidence indicates that two other nearby parking lots are also used by patrons of Jones Concert Hall. A lot to the northeast has 153 parking spaces, four of which are identified as accessible, and a lot to the northwest has 41 parking spaces, one of which is identified as accessible. The evidence indicates that Jones Concert Hall has two sections of accessible seating: one in the rear of the auditorium and one closer to the stage in row H. The evidence indicates that an accessible route to reach row H from the front drop off area of the McCray Music Building would require traversing through the building, out a rear exit, and re-entry into the building through a side

entrance. An individual entering from the rear parking lot would have a similarly long route to reach the seats at the back of the auditorium.

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 June 6, 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 your 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