



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

November 3, 2020

Dr. Linda A. Livingstone, President
Baylor University
One Bear Place, Box 97096
Waco, TX 76798-7096

Sent via electronic mail only: Office_of_President@baylor.edu

RE: OCR Complaint 06-19-2144
Baylor University

Dear Dr. Livingstone:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, received on February 26, 2019, filed against Baylor University (University), Waco, Texas. The complaint alleged that the University's Alumni Network (the Network) hosts events at venues that are not accessible to persons with disabilities (i.e., xxx xxxxxxxxxxx xxxxx xx xxx xxxxxxxxx, which allegedly lacks accessible restrooms and appropriate ramps at building entrances).

This agency is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), or from 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 prohibit discrimination on the basis of disability. The University is a recipient. Thus, OCR has jurisdiction to resolve this complaint pursuant to Section 504.

OCR opened the following legal issue for investigation:

Whether the University interferes with or limits the ability of disabled persons to participate in or benefit from the services, activities or privileges provided by the University by hosting Baylor Alumni Network events at locations that are not accessible to persons with disabilities (i.e., a location which lacks accessible restrooms and appropriate ramps at building entrances) in violation of Section 504 at 34 C.F.R. § 104.4.

During the investigation of this complaint, OCR reviewed information received from the Complainant and the University. OCR's preliminary review indicated potential compliance concerns regarding the issue above. Information OCR reviewed indicated that during the selection of a venue for a Network event, the University requests information as to whether the venue is accessible to persons with disabilities regarding building entrances, ramps and restrooms, and when feasible an inspection is conducted. However, as to the Network event venue that is the subject of this complaint, the venue informed the University that its facility is compliant with the Americans with Disabilities Act (ADA) but subsequently needed to display signage during the event to direct guests to accessible restrooms. Also, a xxxxxxxx xxxxxxxx xxxxxxxxxx xxx xxxxxx xxxxxxxxxx expressed a lack of knowledge about specific accessibility requirements under the ADA. Based on the information, OCR has concerns that the University does not have in place a system that assures access for individuals with disabilities who attend Network events.

The University also provided OCR information that a staff member has since inspected xxx xxxx for accessibility and reported the following: 1) the slope of a ramp to the building was approximately eight degrees; 2) the seventh floor women's restroom had four stalls, none of which would meet accessibility requirements; 3) a sign at the restroom entrance directed individuals to the first floor women's restroom; and 4) the first floor women's restroom had three stalls, none of which would meet accessibility standards.

Prior to the conclusion of OCR's investigation, on June 17, 2020, the University informed OCR that it was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR determined that a resolution under Section 302 of the CPM was appropriate.

On November 3, 2020, the University voluntarily signed a Resolution Agreement (Agreement) to resolve the complaint allegations. A copy of the Agreement is enclosed. OCR determined that the provisions of the Agreement are aligned with the complaint allegation and appropriately resolves it. Further, OCR accepts the Agreement as an assurance that the University will fulfill its obligations under Section 504 with respect to the complaint allegations. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the University's implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. This letter should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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. The complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the University 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 individual 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.

If you have questions concerning this letter, please contact Marvin Macicek, the investigator assigned to the complaint, at (214) 661-9636, or by email at marvin.macicek@ed.gov. You may also contact me at (214) 661-9638, or by email at lori.bringas@ed.gov.

Sincerely,

Lori Howard Bringas
Supervisory Attorney/Team Leader
OCR Dallas Office
Office for Civil Rights

Enclosure: Resolution Agreement