

Resolution Agreement

University of Texas at San Antonio
OCR Complaint No. 06232055

The U.S. Department of Education, Office for Civil Rights (OCR) and the university of Texas at San Antonio (University) enter into this Agreement to forever resolve all allegations contained in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and 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. Prior to the conclusion of OCR's investigation, the University requested to enter into this Agreement pursuant to Section 302 of OCR's *Case Processing Manual*. The University agrees to take the following actions:

ACTION ITEM 1: SERVICE ANIMAL POLICY

By **December 1, 2023**, the University will review and revise its policies and procedures to include a policy regarding its obligation to permit the use of a service animal by an individual with a disability in accordance with Title II and Section 504, at 28 C.F.R. § 36.136(a) and 34 C.F.R. § 104.4(a), respectively. The University's revised policies and procedures regarding service animals shall, in part, reflect that staff cannot ask about a person's disability, require medical documentation, require a special identification card or training documentation for a service animal, or ask that a service animal demonstrate its ability to perform work or a task.

REPORTING REQUIREMENT:

By **December 15, 2023**, the University will provide OCR, for its review and approval, a draft of its revised policies as referenced in Action Item 1 above.

Within (60) days of OCR's approval of the amended Section 504 policies, the University will provide documentation to OCR demonstrating it has implemented such policies. The documentation submitted to OCR will include the following: (1) printouts or a link to all online publications of the revised policies; and (2) an e-mail from the University Compliance Team to all University Staff and students providing a copy of, or a link to, the revised policies.

ACTION ITEM 2: TRAINING

By **December 31, 2023**, the University will conduct administrative training regarding the University's revised service animal policies and procedures in compliance with Section 504 and Title II. The training must be provided to the University's Bexar County Fostering Educational Success Program (BCFES) staff, University campus police, and the University's Student Disability Services Office. Additionally, the training will be conducted by individuals knowledgeable about the laws and issues pertaining to Section 504 and Title II and may be

delivered to University administrators in an electronic format. At a minimum, the training will address the University’s responsibility to:

- a. Allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go;
- b. Limited questions that staff may ask when it is not obvious what service an animal provides;
- c. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken;
- d. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal’s presence.

REPORTING REQUIREMENTS

By **January 15, 2024**, the University will provide documentation to OCR demonstrating that the University provided the training in accordance with Action Item 2 above. This information will include, but not be limited to, sign-in sheets for all training sessions evidencing all staff who attended the training; the date the training session(s) were conducted; a copy of the training materials used; and the name, credentials, and contact information of the individual(s) who provided the training to comply with Action Item 2.

ACTION ITEM 3: LETTER TO ALLEGED INJURED PARTY

By **November 6, 2023** the University will send the Alleged Injured Party (AIP) a letter to the address on file with the University via regular mail, delivery tracking and via email. The letter will inform the AIP of the University’s service animal policies and procedures and provide assurance that if the AIP chooses to attend public events on campus in the future, the College will comply with the requirements of Title II and Section 504. The letter will also inform the AIP that she will not be asked to remove her service animal from the premises unless: (1) the dog is out of control and she does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal’s presence in compliance with 28 C.F.R. § 35.136.

REPORTING REQUIREMENTS

By **November 15, 2023**, the University must provide OCR a copy of the letter mailed to the AIP, including the address to which the University mailed the letter, and delivery tracking information or other relevant information to confirm the letter was delivered.

By signing the resolution agreement, the recipient agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to

determine whether the recipient has fulfilled the terms of the resolution agreement. The recipient understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the recipient is in compliance with the terms of the agreement and the statute(s) and regulation(s) at issue in the case.

The recipient understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University's representative below.

Dr. Taylor Eighmy, President
The University of Texas at San Antonio

Date