



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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March 22, 2018

XXXX XXXXX, General Counsel
Truman State University
201 McClain Hall
100 East Normal Avenue
Kirksville, Missouri 63501

Re: Truman State University
OCR Case Number: 07-17-2099

Dear Mr. XXXXX:

On March 10, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by Truman State University (University), Kirksville, Missouri. This letter is to confirm that the University has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

OCR opened an investigation to determine whether the University discriminated against the Complainant on the basis of disability by failing to provide a sign language interpreter for a theater production on campus that ran from September 21 to 24, 2016, and for a campus event on February 27, 2017, in violation of 34 Code of Federal Regulations (CFR) § 104.33.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA).
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>. As a recipient of FFA from the Department, and a public entity, the University is subject to Section 504 and Title II.

On June 6, 2017, OCR sent a notification letter to the University informing it that OCR was opening this complaint for investigation. The notification letter included a data request. Via email sent on June 21, 2017, the University responding to OCR's data request. On November 16,

2017, the University's counsel expressed an interest in resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual*.¹

On March 21, 2018, prior to the completion of OCR's investigation, the University submitted a signed Agreement (copy enclosed) that, when fully implemented, will address the allegation of this complaint and any concerns raised during the course of the investigation. OCR considers the allegation of this complaint resolved effective the date of this letter and will monitor the University's implementation of the Agreement. When OCR concludes the University has fully implemented the terms of the Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume its investigation.

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.

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.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

J. Earlene Gordon
Supervisory Attorney

Enclosure

¹ The Case Processing Manual is available online at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.