



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII  
Arkansas  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

June 14, 2019

Sent via electronic mail to:

XXXXXX XXXXX  
Office of Legal Counsel  
Board of Regents for Oklahoma State University and the  
Oklahoma Agricultural & Mechanical Colleges  
5<sup>th</sup> Floor – Student Union  
Stillwater, Oklahoma 74078  
XXXXXXX@okstate.edu

Re: Oklahoma State University  
OCR Case Number: 07-18-2130

Dear Mr. XXXXX:

On August 29, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Oklahoma State University (University), Stillwater, Oklahoma, alleging discrimination on the basis of disability. This letter is to confirm that the University has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

Specifically, the Complainant alleged the University discriminates on the basis of disability because the University does not provide adequate accessible seating for disabled students and patrons attending functions at the theater in the Seretean Center for the Performing Arts in violation of Section 504 and its implementing regulation at 34 C.F.R. §§ 104.21, 104.22 and 104.23 and the Title II implementing regulation at 28 C.F.R. § 35.130.

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 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA); and
- 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.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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

OCR's *Case Processing Manual* (CPM)<sup>1</sup> includes a Rapid Resolution Process (RRP) which provides an expedited resolution opportunity. OCR determined it had jurisdiction over this complaint and that it was appropriate to attempt to resolve this complaint using its RRP. On November 14, 2018, OCR contacted the University's counsel to inform him of the complaint and determine if the University was interested in addressing the complaint using OCR's Rapid Resolution Process. On December 10, 2018, the University's counsel informed OCR of the University's interest in resolving this complaint under § 302 of OCR's CPM. On June 12, 2019, the University returned the attached, signed Agreement with OCR to resolve the complaint.

The Agreement requires the University to make alterations necessary to ensure the theater in the Seretean Center for the Performing Arts is on an accessible route with a lift or other device to assist mobility impaired individuals with access to the theater, and to develop a remedial plan (Plan) for ensuring accessibility. The Plan will include, at a minimum, the following: a description of the specific architectural changes or actions to be performed by the University to achieve compliance for accessible seating in the theater, and a copy of any architectural bid(s) obtained by the University to effectuate the Plan. Pending completion of the modifications, renovations, and/or repairs the University will develop interim measures to ensure that all programs and activities held in the theater are readily accessible to any individual with a physical disability. These measures will include (1) a detailed plan for providing a working lift, accessible seating close to other patrons for activities and events, (2) providing assistance and information regarding accessibility when the facility is used for evening and weekend events, (2) the start and completion dates for each architectural change or action, and (3) the date the new performing arts center will open. Please consult the Agreement for further details.

OCR considers the 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.

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, please be advised 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.

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

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<sup>1</sup> The CPM is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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.

OCR is committed to prompt and effective services. If you have any questions, please contact XXXXX XXXXX, Attorney, at (XXX) XXX-XXXX or (877) 521-2172 (telecommunications device), or by e-mail at XXXXX.XXXXX@ed.gov.

Sincerely,

XXXXX XXXXX,  
Supervisory Attorney

Attachment

