



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

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October 20, 2016

Charles A. Wight, President
Weber State University
3850 Dixon Parkway
Department 1001
Ogden, Utah 84408-1001

Re: **Weber State University**
OCR Case Number: 08-16-2180

Dear President Wight:

We write to inform you of the resolution of the above-referenced complaint, filed on April 28, 2016, against Weber State University (“the University”), alleging discrimination on the basis of disability. Specifically, the Complainant alleged that faculty and staff in the University’s Department of Dental Hygiene harassed her on the basis of disability.

On September 6, 2016 – after carefully reviewing the complaint and extensive supplemental materials submitted by the Complainant, and interviewing the Complainant and her father – we initiated an investigation under the authority of: Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education (“the Department”); and Title II of the Americans with Disabilities Act of 1990 (“Title II”) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the University is subject to these laws and regulations.

While the Office for Civil Rights (OCR) was awaiting records from the University, the University expressed an interest in taking action to resolve the Complainant’s allegation. We determined that, pursuant to Section 302 of our *Case Process Manual*, it was appropriate to enter into an agreement without completing a full investigation of the allegation.

We then drafted a Resolution Agreement (“the Agreement”) and sent it to the University. On October 19, 2016, we received a signed Agreement (copy enclosed) from the University.

When the Agreement is fully implemented, the allegation will be resolved consistent with the requirements of Section 504, Title II, and their implementing regulations. OCR will monitor implementation of the Agreement through periodic reports from the University demonstrating the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with respect to the implementation of the terms of the Agreement and will promptly

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require actions to address such deficiencies. If the University fails to implement the Agreement, we will take appropriate action, which may include enforcement actions.

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

Please note that a 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.

This letter sets forth OCR's determination in an individual 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.

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, personal information, which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions or concerns you may contact XXXX, the attorney assigned to this complaint, at (XXX) XXX-XXXX or XXXX.XXXX@ed.gov. You may also contact me at (XXX) XXX-XXXX.

Sincerely,

/s/

Stephen Chen
Program Manager

Attachment: Resolution Agreement

cc: Barry Gomberg
Executive Director of Affirmative Action and Equal Opportunity
Weber State University