



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII

ARIZONA  
COLORADO  
NEW MEXICO  
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WYOMING

August 24, 2022

President Scott Pulsipher  
Western Governors University  
4001 S. 700 East, #700  
Salt Lake City, UT 84107

*Via email only to [president@wgu.edu](mailto:president@wgu.edu)*

Re: Western Governors University  
OCR Case Number: 08-22-2144

Dear President Pulsipher:

On March 4, 2022, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint alleging Western Governors University (University) discriminated on the basis of disability. OCR has determined that it has the authority to investigate this complaint consistent with its complaint procedures and applicable law. Specifically, the Complainant alleged the University denied her access to its program when it failed to make reasonable modifications to its policies, practices, or procedures regarding the COVID-19 vaccine.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the University is subject to these laws and regulations. Additional information about the laws OCR enforces is available on its website at <http://www.ed.gov/ocr>.

On May 2, 2022, OCR opened this complaint for investigation. During the investigation of this complaint, OCR reviewed the Complainant's OCR complaint, emails between the Complainant and the University that the Complainant and the University provided to OCR, the University's written response to the allegation, and the University's policies and procedures for students with disabilities. OCR also interviewed the Complainant.

The Complainant indicated that she has been a student in the University's special education teaching credential program since June 2020. She must complete a student teaching placement in order to receive the credential. The Complainant indicated that since February 2022, the University told her she must receive the COVID-19 vaccine or she would not be given a student teaching placement and that medical exemptions will not be provided. She told the University

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

that she is allergic to certain vaccines and that her doctors advise against her receiving the COVID-19 vaccine. Nonetheless, correspondence from the University to the Complainant indicate that an exception would not be made for her.

In its written response to OCR, the University indicated that it does not have a policy requiring the COVID-19 vaccine. Rather, the University informed students in the Teachers College that the state of California<sup>1</sup> had a COVID-19 vaccine mandate for teachers, and while school districts had provided medical exemptions for employees, many districts were not providing exemptions for volunteers, including student teachers. Consequently, the University had difficulty placing unvaccinated students in clinical experiences and requested proof of COVID-19 vaccinations. The University indicated that despite these difficulties, it still had been able to find student teaching placements for 24 students who did not have proof of vaccination.

In an email dated March 1, 2022, the University told the Complainant that “all teacher candidates will be required to submit proof of vaccination before we can move forward with placement in clinical experiences.” The University further stated that if the Complainant did not get vaccinated, she could not receive her credential. OCR notes that in this email and in all other emails obtained in OCR’s investigation, the University never stated that waivers or exemptions were possible for students who could not receive the vaccine due to a disability.

OCR reviewed the University’s policies and procedures for students with disabilities and found no concerns. OCR’s investigation found that University staff told the Complainant and other students in the Teachers College by email that they must receive the COVID-19 vaccine, even after the Complainant informed the University that she was unable to receive the vaccine due to her disability. The emails do not indicate that exemptions are possible or that the University would work with students with disabilities to find them placements.

Based on the information obtained during its investigation of this complaint, OCR determined that the Complainant informed the University that she is a person with a disability who is unable to receive the COVID-19 vaccine because of her disability. OCR further determined that the University’s communications with the Complainant raised concerns that the University failed to make reasonable modifications to its policies, practices, or procedures regarding the COVID-19 vaccine so the Complainant could continue in her program at the University.

On August 2, 2022, the University informed OCR that it wished to voluntarily resolve the complaint allegation and the concerns found in OCR’s investigation. Prior to OCR making any findings of fact, the University agreed to sign an Agreement which, when fully implemented, will address the allegations raised in the complaint. OCR received the signed Agreement from the University on August 23, 2022. The Agreement will resolve the concern OCR found by requiring the University to update its communications with students in the Teachers College to indicate that the University does not have a COVID-19 vaccine mandate; proactively contact students in the Teachers College to inform them that the University does not have a COVID-19 vaccine mandate and explain how the University will assist students with disabilities who cannot

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<sup>1</sup> The Complainant lives in the state of California.

receive the vaccine; provide Section 504 training for administrators in the Teachers College; and provide the Complainant with a student teaching placement.

In accordance with Section 302 of OCR's *Case Processing Manual* (CPM), the provisions of the Agreement signed by the University are aligned with the complaint allegations and the information obtained during OCR's processing of this case, and consistent with the applicable regulations. Therefore, OCR is closing this complaint investigation effective the date of this letter. OCR, however, will actively monitor the University's implementation of the Agreement until the University fulfills the terms of the Agreement. If the University fails to implement the Agreement as specified, OCR may initiate administrative or judicial proceedings as described in the Agreement or resume its investigation of the initial allegations. A copy of the Agreement is enclosed.

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 Complainant may file another complaint alleging such treatment. In addition, 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. If OCR receives such a request, OCR will protect personal information to the extent provided by law.

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. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

If you have any questions, please contact XXX, the Equal Opportunity Specialist assigned to this complaint, at (303) XXX, or by email at XXX. You also may contact me at (303) 844-6086.

Sincerely,

Michael D. Todd  
Supervisory Attorney

Enclosure: Signed Resolution Agreement  
cc (w/o enclosures, via email only): Sarah Hook, Senior Associate General Counsel