



Contents

[Case of the Month](#)

[From the Courts and Attorney General](#)

[Recent Regulations and Guidance](#)

[In the News](#)



Case of the Month

Former employee provided sufficient evidence to overcome summary judgment on her disability discrimination and retaliation claims under the ADA and her retaliatory discharge claim under the FMLA against a community college.

Jennifer Ramsey began working for San Jacinto College in 2005, and over the course of her career, was promoted multiple times and received consistent positive performance reviews. Starting in 2018, she began to suffer from a medical condition and was approved for leave under the federal Family and Medical Leave Act (FMLA), [29 U.S.C. chapter 28](#). Soon after Ramsey returned to work, she began to receive written corrective action notices from the college citing tardiness and performance issues, which she disputed. Despite this, she still received an overall positive evaluation and was recognized with the college's "COVID-19 Hero" award. Ramsey took FMLA leave for a second time, and within a few months of her return to work, received additional corrective action notices and was eventually terminated. Ramsey sued the college for failure to accommodate her disability, disability discrimination, and retaliation in violation of the federal Americans with Disabilities Act (ADA), [42 U.S.C. chapter 126](#), and retaliatory discharge in violation of the FMLA. The college moved for summary judgment.

The federal district court concluded that Ramsey either failed to provide sufficient evidence or that procedural issues precluded consideration of each of her claims and granted summary judgment to the college. Ramsey appealed, contesting only the ADA discrimination and retaliation claims and the FMLA retaliation claim.

The U.S. Fifth Circuit Court of Appeals applied the framework for analyzing Ramsey's ADA and FMLA disparate treatment claims described by the U.S. Supreme Court in [McDonnell-Douglas Corporation v. Green](#), 411 U.S. 792 (1973). The first step requires a plaintiff to make a prima facie showing of discrimination on the part of the defendant, which involves a series of discrete sub-steps that vary depending on the specific claim. The burden then shifts to the defendant to articulate a legitimate, non-discriminatory reason for its action, and finally, the burden shifts back to the plaintiff to demonstrate that the defendant's purported reason is a pretext for discrimination. In first considering the ADA claims, the court found that Ramsey raised a fact issue as to whether the college's purported reasons for her termination were the true reasons, including based on the positive performance review that she received in the midst of write-ups, and discrepancies in the statements made by college personnel involved in her firing. The court further concluded that much of this same evidence was sufficient to support Ramsey's ADA retaliation claim. In next considering the FMLA claim, the court noted that while the temporal proximity of her FMLA leave and write-ups was not enough to raise a fact issue, the evidence of pretext that supported the ADA claims, discussed above, was sufficient to overcome summary judgment. The court reversed summary judgment on the ADA discrimination and retaliation claims and the FMLA retaliatory discharge claim and remanded the case for further proceedings. [Ramsey v. San Jacinto Coll. Dist.](#), No. 25-20195, 2026 WL 2268172 (5th Cir. Aug. 5, 2026).¹

Why is This Case Significant?

A former employee can overcome a college's motion for summary judgment on disparate treatment claims by pointing out inconsistencies in the college's documentation and the statements regarding the termination.

Highlights

Has your college scheduled a [Policy Review Session](#)?

Coming soon: the Community College Legal and Policy Resource Library.

Resources

[Texas Higher Education Coordinating Board](#)

[Texas Legislature](#)

[Texas Statutes](#)

[Texas Attorney General](#)

[U.S. Department of Education](#)

¹ This case was summarized in the [May 2025](#) Community College Services Legal Update.



From the Courts and the Attorney General

Governance

A Texas law, the Election Protection and Integrity Act of 2021, also known as Texas Senate Bill 1 from the 87th Legislative Session, which imposes additional identity verification requirements for mail-in voters, curative provisions, and voter-assistance provisions, does not violate Title II of the [Americans with Disabilities Act](#) or the federal [Rehabilitation Act Section 504](#). *La Union del Pueblo Entero v. Abbott*, No. 25-50246, 2026 WL 2333656 (5th Cir. Aug. 12, 2026).²

Personnel

Sri Lankan former university employee, who resigned in November 2005 in lieu of termination and was subsequently not informed of job openings or rehired by the university, failed to provide sufficient evidence to overcome dismissal of his claims that the university discriminated against him on the basis of his race and national origin and retaliated against him in violation of [Title VII of the Civil Rights Act of 1964](#). *Wije v. Univ. of Tex. at Austin*, No. 26-50284, 2026 WL 2042723 (5th Cir. July 15, 2026) (per curiam).

Former anesthesiologist and assistant professor, who resigned from a university health sciences center after receiving notice that her contract would be nonrenewed due to ongoing issues with staffing, failed to provide sufficient evidence to overcome summary judgment on her claims that the health sciences center discriminated against her on the basis of sex and retaliated against her in violation of [Title VII](#). *Ingram v. Tex. Tech Univ. Health Sci. Ctr. at El Paso*, No. EP-24-CV-378-KC, 2026 WL 2360059 (W.D. Tex. Aug. 14, 2026).

Black former employee, who filed an internal complaint that he and other Black employees were micromanaged, defamed, and treated

differently than white colleagues and who was subsequently terminated, failed to provide sufficient evidence to overcome summary judgment on his claims that the college subjected him to a hostile work environment due to his race and retaliated against him in violation of [Title VII](#). *Moseti v. Collin Coll.*, No. 4:25-CV-00358-MJT-CLS, 2026 WL 2280729 (E.D. Tex. Aug. 6, 2026) (adopting the report and recommendation in *Moseti v. Collin Coll.*, No. 4:25-CV-00358-MJT-CLS (E.D. Tex. July 20, 2026)).³

Former community college professor, who was terminated following complaints of alleged racist behavior, including using Black students as examples during lessons on slavery, failed to provide sufficient evidence to overcome dismissal of his claim that the college retaliated against him based on his speech in violation of the U.S. Constitution [First Amendment](#). *Sweeney v. Castillo*, No. 4:25-CV-1558, 2026 WL 2240342 (S.D. Tex. Aug. 4, 2026) (mem.).

Asian university professor, who alleged that she was paid less than a male colleague with comparable credentials and who defended two colleagues against alleged mistreatment and filed a complaint against the university's dean, failed to provide sufficient evidence to overcome dismissal of her claims that the university retaliated against her for engaging in a protected activity in violation of [Title VII](#), but did provide sufficient evidence to overcome dismissal of a separate claim that the university discriminated against her on the basis of sex in violation of Title VII. *Zhang v. Univ. of Tex. at Dallas*, No. 3:24-CV-1477-L, 2026 WL 2164743 (N.D. Tex. July 27, 2026) (mem.) (adopting the report and recommendation in *Zhang v. Univ. of Tex. at Dallas*, No. 3:24-CV-1477-L, 2025 WL 5144132 (N.D. Tex. Apr. 22, 2025)).

Two professors, one of whom is Muslim and both of whom were arrested at a pro-Palestinian

² This case was summarized in the [March 2025](#) Community College Legal Services Update.

³ This case was summarized in the [November 2025](#) Community College Legal Services Update.

campus protest, failed to provide sufficient evidence to overcome dismissal of their claims that the university discriminated against them in violation of [Title VI of the Civil Rights Act of 1964](#) by allegedly targeting the professors for arrest and retaliating against them based on their association with Palestinian, Arab, and Muslim individuals. *Admiral v. Univ. of Tex. at Dallas*, No. 3:25-CV-2843-X, 2026 WL 2086027 (N.D. Tex. July 20, 2026) (mem.).

University professor and former dean provided sufficient evidence to overcome dismissal of her claim that the university discriminated against her on the basis of race and gender in violation of [Title VII](#), including evidence that the university removed her as dean without cause or mention of deficiency and allegedly distributed her prior workload among less qualified male colleagues who were each paid more individually than she had previously been paid to do the entirety of the work. *Tucker v. Sul Ross State Univ.*, No. P:25-CV-00049-DC, 2026 WL 2045772 (W.D. Tex. July 15, 2026) (adopting the report and recommendation in *Tucker v. Sul Ross State Univ.*, No. P:25-CV-00049-DC-DF, 2026 WL 2053103 (W.D. Tex. June 30, 2026)).

Students and Instruction

Student, who was disciplined by a university after she persistently emailed a professor despite his asking her to stop and who claimed her behavior was a result of disability-related emotional distress, failed to provide sufficient evidence to overcome dismissal of her claims that the university denied her due process in violation of the U.S. Constitution [Fourteenth Amendment](#) and discriminated against her based on her disability, failed to accommodate her disability, and retaliated against her in violation of [Section 504](#). *Brantley v. Univ. of Tex. at Austin*, No. 25-50584, 2026 WL 2042727 (5th Cir. July 15, 2026) (per curiam).⁴

Open Records Letter Rulings

This month, the attorney general issued Open Records Letter Rulings⁵ based on requests from Texas community colleges related to:

- Information regarding a solicitation. Tex. Att'y Gen. Op. [OR2026-29931](#) (July 16, 2026), [OR2026-30996](#) (July 21, 2026), [OR2026-31971](#) (July 28, 2026), [OR2026-32465](#) (July 29, 2026);
- Certain contracts. Tex. Att'y Gen. Op. [OR2026-30095](#) (July 16, 2026);
- Information regarding certain contracts. Tex. Att'y Gen. Op. [OR2026-30173](#) (July 17, 2026), [OR2026-32793](#) (July 31, 2026), [OR2026-33793](#) (Aug. 5, 2026);
- Information regarding certain vendors. Tex. Att'y Gen. Op. [OR2026-30213](#) (July 17, 2026), [OR2026-30232](#) (July 17, 2026), [OR2026-33088](#) (Aug. 3, 2026), [OR2026-33135](#) (Aug. 3, 2026), [OR2026-33196](#) (Aug. 3, 2026), [OR2026-33338](#) (Aug. 4, 2026), [OR2026-34179](#) (Aug. 7, 2026), [OR2026-35515](#) (Aug. 14, 2026);
- Certain information regarding a named entity. Tex. Att'y Gen. Op. [OR2026-30248](#) (July 17, 2026), [OR2026-31121](#) (July 22, 2026);
- Information regarding agreements with certain vendors. Tex. Att'y Gen. Op. [OR2026-30417](#) (July 17, 2026);
- Certain communications sent by an individual. Tex. Att'y Gen. Op. [OR2026-30448](#) (July 17, 2026);
- Information regarding a request for proposals. Tex. Att'y Gen. Op. [OR2026-30475](#) (July 20, 2026), [OR2026-31244](#) (July 22, 2026), [OR2026-33895](#) (Aug. 6, 2026);

⁴ This case was summarized in the [July 2025](#) Community College Services Legal Update.

⁵ Open record letter rulings are limited to the particular records at issue and the facts as presented to the attorney general. These rulings must not be relied upon as a previous determination regarding any other records or any other circumstances.

- Surveillance camera footage. Tex. Att'y Gen. Op. [OR2026-30943](#) (July 21, 2026);
- Documents regarding a solicitation. Tex. Att'y Gen. Op. [OR2026-31399](#) (July 23, 2026);
- Certain equipment and systems. Tex. Att'y Gen. Op. [OR2026-31441](#) (July 23, 2026);
- Information regarding an individual. Tex. Att'y Gen. Op. [OR2026-32418](#) (July 29, 2026);
- Confidential information. Tex. Att'y Gen. Op. [OR2026-32803](#) (July 31, 2026);
- Information regarding an incident. Tex. Att'y Gen. Op. [OR2026-32812](#) (July 31, 2026), [OR2026-34344](#) (Aug. 7, 2026), [OR2026-35257](#) (Aug. 13, 2026);
- Information regarding contracts or agreements with certain vendors. Tex. Att'y Gen. Op. [OR2026-32862](#) (July 31, 2026), [OR2026-33385](#) (Aug. 4, 2026);
- Information regarding a vendor. Tex. Att'y Gen. Op. [OR2026-32940](#) (July 31, 2026);
- Information regarding a certain hiring decision. Tex. Att'y Gen. Op. [OR2026-33123](#) (Aug. 3, 2026);
- Information regarding a certain hiring decision for a specified period of time. Tex. Att'y Gen. Op. [OR2026-33267](#) (Aug. 3, 2026);
- Agreements between the college and a certain vendor. Tex. Att'y Gen. Op. [OR2026-33409](#) (Aug. 4, 2026), [OR2026-33814](#) (Aug. 5, 2026);
- Information related to competition or bidding. Tex. Att'y Gen. Op. [OR2026-33562](#) (Aug. 5, 2026), [OR2026-34202](#) (Aug. 7, 2026), [OR2026-35286](#) (Aug. 13, 2026);
- Information related to the detection, investigation, or prosecution of a crime that did not result in conviction or deferred adjudication. Tex. Att'y Gen. Op. [OR2026-33650](#) (Aug. 5, 2026);
- Information regarding current janitorial services. Tex. Att'y Gen. Op. [OR2026-34084](#) (Aug. 6, 2026);
- Information regarding an investigation. Tex. Att'y Gen. Op. [OR2026-35139](#) (Aug. 13, 2026); and
- Information regarding an employment position. Tex. Att'y Gen. Op. [OR2026-35333](#) (Aug. 13, 2026).



Recent Regulations and Guidance

The Texas Higher Education Coordinating Board (THECB) amended a [regulation](#) addressing in part training requirements for members of governing boards in response to statutory changes made by the 89th legislature.

THECB adopted, amended, and repealed [regulations](#) addressing off-campus education, including establishing the procedure for creating an employer-requested, off-campus program.

THECB amended [regulations](#) addressing community college funding, including performance tier funding related to high-demand occupations, THECB's methodology for forecasting fundable outcomes, and THECB's funding methodology for fiscal years 2026 and 2027.

The Texas State Board of Education amended a [regulation](#) addressing the ability of THECB to share a student's information with colleges for purposes of the direct admissions program in response to statutory changes made by the 89th legislature.

The Texas State Board for Educator Certification (SBEC) amended and repealed [regulations](#) addressing admission to educator preparation programs in response to statutory changes made by the 89th legislature.

SBEC adopted, amended, and repealed [regulations](#) addressing requirements for educator preparation programs, including required coursework, curriculum, and clinical experience, in response to statutory changes made by the 89th legislature.

SBEC adopted and amended [regulations](#) addressing educator teaching certificates in response to statutory changes made by the 89th legislature.

SBEC amended a [regulation](#) addressing the educator's code of ethics and practices for Texas educators in response to statutory changes made by the 89th legislature.

The Texas Workforce Commission (TWC) amended [regulations](#) addressing the Jobs and Education for Texans (JET) grant program, including eligibility and reporting requirements in response to statutory changes made by the 89th legislature.

TWC adopted [regulations](#) addressing the Rural Workforce Development grant program, including program establishment and administration, eligibility, and requirements for recipient entities in response to statutory changes made by the 89th legislature.

TWC adopted [regulations](#) addressing the Advanced Nuclear Energy Workforce Development program, including program administration, curriculum development, and reporting requirements in response to statutory changes made by the 89th legislature.

TWC amended [regulations](#) addressing eligibility for unemployment insurance in response to statutory changes made by the 89th legislature.

The Texas Commission on Fire Protection amended [regulations](#) addressing certified training facilities and distance training providers.

The Commission on Fire Protection amended [regulations](#) addressing firefighter safety, including definitions and requirements for reportable injuries and certain continuing education courses.

The Commission on Fire Protection amended a [regulation](#) addressing fees associated with the Standards Manual and Certification Curriculum Manual.

The Texas Department of State Health Services adopted the review of [regulations](#) addressing asbestos management.

The U.S. Department of Education (ED) rescinded [regulations](#) addressing the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Educational Programs*.

ED amended [regulations](#) addressing [Title VI of the Civil Rights Act of 1964](#) to eliminate references to disparate impact liability in response to [Executive Order 14281](#).

The U.S. Department of Defense amended [regulations](#) addressing [Title VI](#) to eliminate references to disparate impact liability in response to [Executive Order 14281](#).

The U.S. National Science Foundation amended [regulations](#) addressing [Title VI](#) to eliminate references to disparate impact liability in response to [Executive Order 14281](#).

The U.S. Department of Health and Human Services rescinded [regulations](#) addressing the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Educational Programs*.

The U.S. Department of Homeland Security (DHS) amended [regulations](#) addressing admission periods for F and J visa holders.

DHS amended a [regulation](#) addressing the biometric fee requirement for H-1B visa holders.



In the News

The governor announced the award of [Nursing Innovation Grant Program \(NIGP\) funding](#) to Alamo Community College, Austin Community College, and Tarrant County College.

The governor announced the award of a [Skills Development Fund grant](#) to Workforce Solutions Permian Basin, which will provide training in high demand healthcare careers to adults through partnerships with community colleges, including Howard College, Midland College, and Odessa College.

The governor announced the award of [Rural Pathway Excellence Partnership \(R-PEP\) grants](#) to 17 partnerships between rural school districts and institutions of higher education, including community colleges.

The Texas Education Agency (TEA) is accepting [applications](#) from community colleges to operate open-enrollment charter schools through Nov. 12, 2026.

TEA is accepting [applications](#) from colleges to operate adult education charter schools through Oct. 29, 2026.