

## VOLUNTARY RESOLUTION AGREEMENT

Boise State University (the university) voluntarily agrees to take the following actions to resolve the allegations in a complaint (Reference No. 10152223) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

### A. **Review of Policies, Procedures and Practices**

#### Action Item

1. By August 21, 2017, in collaboration with OCR, the university will review and, as necessary, revise its policies, procedures, and practices (procedures) with regard to the provision of academic adjustments and auxiliary aids and services to students with disabilities. The university will ensure that its procedures specify that if it determines that a student requires certain academic adjustments that are not readily available for implementation, it will take steps to ensure that the student is not, in the interim, denied an opportunity to participate in academic programs and activities by using any available alternatives to minimize the impact of the delay. These interim measures should be calculated to ensure that the delays do not deny the student the ability to continue to meaningfully participate in classes or activities, including in the completion of assignments or assigning of grades.
2. Following the revision of its procedures regarding the provision of academic adjustments and auxiliary aids and services to students with disabilities, the university will implement the revised procedures within 30 days of receiving OCR's approval pursuant to Reporting Requirement A.1, below.

#### Reporting Requirements

1. By June 15, 2017, the university will provide its first report to OCR regarding Action Item A.1, above. The report will include the university's proposed procedures with regard to the provision of academic adjustments and auxiliary aids and services to students with disabilities. OCR will review and approve the procedures and notify the university if revisions are required. If OCR requires revisions, the university will re-submit the procedures to OCR for review and approval within 30 days of receiving

notice of the revisions required by OCR. OCR and the university will follow the same process until OCR approves the university's procedures.

2. Within 60 days of receiving OCR's approval of the university's procedures pursuant to Reporting Requirement A.1, above, the university will provide a report to OCR that reflects the specific actions taken to comply with Action Item A.2, above. The report will include the university's final revised procedures, and documentation that the university has implemented its revised procedures, including publishing and disseminating them to the university community.

## **B. Notice**

### Action Item

1. By August 21, 2017, the university agrees to disseminate to its faculty and staff notice of the university's obligations to provide academic adjustments and auxiliary aids and services to students with disabilities, specifically including students who are deaf, and the methods the university employs to provide them, pursuant to Section 504 and Title II, including subsection E of the regulation implementing Title II at 28 CFR 35.160 through 164.
2. By August 21, 2017, the university agrees to initiate annual dissemination of the notice to faculty and staff referenced in Action Item B.1, above.

### Reporting Requirements

1. By September 1, 2017, the university will provide a report to OCR that reflects the specific actions taken to comply with Action Item B.1, above. The report will include a copy of the written notice disseminated to university faculty and staff, and documentation of the names and titles of the faculty and staff who received the notice. If the notice was also disseminated to faculty and/or staff in any non-written manner, the university will also provide documentation indicating what was contained in the non-written notice, and how, when, and to whom the notice was disseminated.
2. By September 1, 2017, the university will provide a report to OCR that reflects specific actions taken to comply with Action Item B.2, above. The report will include documentation of the actions initiated by the university to implement an annual notice to faculty and staff as referenced in Action

Item B.2, above, such as, for example, delegation to a staff member of the responsibility for disseminating notice, or inclusion in a university calendar.

**C. Training**

Action Item

By November 1, 2017, the university agrees to provide training to its academic advisors regarding its policies and procedures that prohibit discrimination against individuals based on disability.

Reporting Requirements

1. By September 1, 2017, the university will submit to OCR for review and approval copies of any training materials the university intends to utilize in providing training under Action Item C, including the name(s) and credentials of any individuals who will be providing the training. If OCR requires revisions to the training materials, the university will re-submit the proposed training materials to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the university will follow the same process until OCR approves the university's training materials.
2. Within 60 days of receiving OCR's approval of the training materials, the university will provide training as specified under Action Item C, above.
3. By November 15, 2017, the university will provide a report to OCR that reflects specific actions taken to comply with Action Item C, above. The report will include documentation of the training provided pursuant to Action Item C, above, including a copy of all training materials used to provide the referenced training, the date of the training, a copy of the attendance sheet, and the name and title of the trainer.

**D. Student-Specific Actions**

Action Item

1. Within 14 days of the university's receipt of OCR's approval of the draft letter, the university will send the student a letter expressing the university's commitment to provide necessary academic adjustments and

auxiliary aids and services to students with disabilities (including hearing-related disabilities) pursuant to Section 504 and Title II, expressing regret regarding the university's actions which resulted in the student terminating her enrollment at the university, inviting the student to re-enroll with all necessary academic adjustments and auxiliary aids and services, and notifying the student that the university will send her a copy of its revised procedures regarding the provision of academic adjustments and auxiliary aids and services to students with disabilities once they have been implemented pursuant to Action Item A.2, above.

2. The university will enclose with the letter to the student described under Action Item D.1 a copy of the procedures implemented by the university regarding the provision of academic adjustments and auxiliary aids and services to students with disabilities pursuant to Action Item A.2.

#### Reporting Requirements

1. By September 1, 2017, the university will provide to OCR for review and approval a draft of the letter described under Action Item D, above. If OCR requires revisions to the letter, the university will re-submit the letter to OCR for review and approval within 30 days of receiving notice of the revisions required. OCR and the university will follow the same process until OCR approves the university's letter.
2. Within 7 days of implementing Action Items D.1 and D.2, above, the university will provide to OCR a copy of the letter and procedures provided to the student to Action Items D.1 and D.2.

#### Conclusion

This agreement resolves the allegations in OCR Reference No. 10152223.

OCR agrees to discontinue its investigation of OCR Reference No. 10152223 based upon the university's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.

The university understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this

agreement, OCR shall give the university written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The university understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the university understands that during the monitoring of this agreement, OCR may visit the university campus, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the university has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.4, 34 C.F.R. § 104.43, and 34 C.F.R. § 104.44; and Title II at 28 C.F.R. § 35.130 and 28 C.F.R. §35.160, which were at issue in this case.

The university understands that OCR will not close the monitoring of this agreement until OCR determines that the university has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.4, 34 C.F.R. § 104.43, and 34 C.F.R. § 104.44; and Title II at 28 C.F.R. § 35.130 and 28 C.F.R. § 35.160.

Signed:

/s/

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Alicia Estey  
Executive Director  
Institutional Compliance and Ethics  
Boise State University

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March 23, 2017  
Date