



University of Texas at San Antonio Resolution Agreement #06-19-2008

The University of Texas at San Antonio (University or UTSA) voluntarily submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve complaint #06-19-2008. UTSA submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination based upon disability in any education program or activity receiving Federal financial assistance

Prior to the completion of OCR's investigation, UTSA agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, UTSA agrees to take the following actions.

Action Item I: Training

UTSA will develop, and submit to OCR for review and approval, proposed disability harassment training for UTSA's Professor XXXX XXXX and all employees of UTSA's Equal Opportunity Services Office (EOS), and relevant staff directly involved in processing, investigating and/or resolving complaints or other reports of disability harassment. At a minimum the training will encompass the following:

- a. The University will provide a general overview of disability discrimination, to include disability harassment, how its nondiscrimination provisions applies to students and employees, the name(s) and contact information for the University's designated staff member(s) to whom students or others must report allegations of harassment, the requirement to document and report all such incidents to the appropriate office, where to locate the University's harassment policies and procedures on the University's website, and the existence of OCR and its authority to enforce Section 504 and Title II.
- b. The University will explain its Section 504 and Title II policies and procedures to include an explanation of what constitute disability harassment and the role of the EOS office.
- c. The University's responsibility to have a grievance procedure that provides for a prompt and equitable resolution of complaints of disability discrimination, to include disability harassment.

Within sixty (60) calendar days of written notification from OCR of approval of the training described in Action Item I (1), UTSA will provide the approved training by a qualified individual or individuals to all UTSA staff and administrators referenced in Action Item I (1).

Action Item I: Reporting Requirements

By February 4, 2019, the UTSA will provide OCR all proposed training materials to be used and distributed during the training described in Action Item I (1), including all speaker's notes, PowerPoints (or other presentations), and handouts, and the name, title, and qualifications of the trainer(s).

Within ten (10) calendar days of the completion of the training required by Action Item I (1), UTSA will provide to OCR documentation demonstrating that it has provided EOS staff and faculty member with the training referenced in Action Item I (1), including the date(s) of the training with sign-in sheets by attendees; make-up dates provided; all speaker's notes, PowerPoints (or other presentations), and handouts; and the name, title, and qualifications of the trainer(s).

Action Item II: Documentation of Investigations

UTSA will conduct an appropriate investigation into the disability harassment complaint received on October 4, 2018 by the EOS Office and UTSA's police department and to document and maintain documentation (e.g., copies of investigative reports, witness statements, discipline response etc.) of all future disability discrimination complaints, including disability harassment of students, and the responsive investigations and/or responses.

Action Item II: Reporting Requirement

By February 4, 2019, UTSA will provide OCR copies of all documentation generated from the disability harassment complaint investigation conducted by the UTSA's EOS Office, as referenced above, of which it received actual notice of on October 4, 2018.

Action Item III: Student Remedy

By February 4, 2019, the University will provide, by certified mail, a letter of apology to the Student, who alleged to the EOS office that he was subjected to disability harassment on October 4, 2018.

Action Item III: Reporting Requirement

By February 4, 2019, the University will provide OCR a copy of documentation that demonstrates that the Student was sent the certified letter required in Action Item III and a copy of the UTSA's written apology provided to the Student.

The University understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that, during the monitoring of this Agreement, if necessary, OCR may visit the University, 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 regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.4, and 28 C.F.R. § 35.130, which were at issue in this complaint.

The University understands and acknowledges 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.

This Agreement will become effective immediately upon the signature of the University's representative below.

UTSA Vice President of Business Affairs (printed)

Date

UTSA Vice President of Business Affairs (signature)