

Resolution Agreement
University of Nebraska at Omaha
OCR Case Number: 07222169

The University of Nebraska at Omaha (University) submits this voluntary Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this complaint filed under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35. The University voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University.

I. Academic Adjustments or Accommodations

The University agrees to implement the accommodations identified in the Complainant's Accommodation Plan in a timely manner and consistent basis. By November 13, 2023, the University will send a letter to the Complainant stating which University official serves as her primary contact for providing any assistance that she may need in accessing or utilizing her academic adjustments or accommodations.

REPORTING REQUIREMENT:

Within 10 calendar days after sending the letter described in this Item to the Complainant, the University shall provide a copy of the letter to OCR.

II. Accessibility Issues

The University will inspect the following areas identified in the Complainant's complaint that are located on the first floor of Mammel Hall to ensure that each area complies with the accessibility requirements of Section 504, 34 C.F.R. §§ 104.4 and 104.21, Title II, and 28 C.F.R. §§ 35.130, 35.149, 35.150, and 35.151:

- a. the entrance door to the single use restroom door;
- b. the elevator doors to the Stedman's Café seating area; and
- c. the electrical outlets located near the designated accessible seating in the Stedman's Café.

REPORTING REQUIREMENT:

By November 13, 2023, the University will provide OCR documentation that: (1) identifies the applicable ADA Standards for Accessible Design based on the date that Mammel hall was constructed and the date(s) of any relevant modifications, (2) shows the current condition of the areas listed above, and (3) confirms that those

areas conform to the requirements of Section 504, 34 C.F.R. §§ 104.4 and 104.21, Title II, and 28 C.F.R. §§ 35.130, 35.149, 35.150, and 35.151.

General Requirements

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements set forth in this Agreement. Further, the University understands that during the monitoring of this Agreement, if necessary, OCR may visit the University, interview employees 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 which were at issue in this case. Such requests for visits or additional data will be made through the University's legal counsel.

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 and Title II which were at issue in this case.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the University of Nebraska at Omaha.

_____/s/_____
[redacted content]
Associate Vice Chancellor and Dean of Students
University of Nebraska at Omaha

October 11, 2023
Date