

Resolution Agreement
University of New Mexico
OCR Case Nos. 08-14-2234 and 08-15-2064

In order to resolve allegations in Case Numbers 08-14-2234 and 08-15-2064, filed against the University of New Mexico (the University) and opened for investigation by the US Department of Education, Office for Civil Rights (OCR) pursuant to Title VI of the Civil Rights Act 1964, United States Code 2000d-1 *et seq.*, and its implementing regulation at 34 C.F.R. pt 100, the University to implement the following Resolution Agreement. During the course of OCR's investigation, before OCR had made any regarding this potential compliance concern, the University indicated its willingness to take steps necessary to ensure compliance with Title VI and resolve the allegations of this complaint. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. Pursuant to Section 302 of OCR's *Case Processing Manual*, the University agrees to implement this Resolution Agreement and take the following actions:

1. The University will disseminate a copy of its antidiscrimination policies, including those prohibiting retaliation, to all University staff and faculty by email, along with a reminder that discrimination, including retaliation, is prohibited.

REPORTING REQUIREMENT:

- By May 1, 2015, the University will document to OCR that it disseminated its antidiscrimination policies in accordance with this term, along with written assurance that it was sent to all University staff and faculty.
2. The University will remove any bans and restrictions related to the Complainant that limit his access to the University's Law School Library, and it will ensure he has the same access to the Law Library and the Law School's public areas as other students. The University will also inform all of its Law School Library staff that any bans or restrictions related to the Complainant have been removed and that he should be given the same access to the Law School Library and public areas as all other students. The University will also send written notice to the Complainant informing him that he has the same access as other students to the University's Law School Library, and the Law School public areas.

REPORTING REQUIREMENT:

- By May 1, 2015, the University will document to OCR that it sent written notice to the Complainant as described above and will provide OCR with written assurance that he has the same access as other students to the University's Law School Library, and the Law School public areas, and that staff have been properly notified of this.
3. The University will not share documentation from the Complainant's student file to other educational institutions or potential employers regarding the Law School Library ban, nor issues with any library or computer lab. Documentation regarding the ban from the Law School Library and subsequent removal of the ban from the Law School Library will only be

retained for the University of New Mexico's records, so that the University has documentation of how this issue was resolved and may reference the documents should further issues arise.

REPORTING REQUIREMENT:

- By May 1, 2015 the University will send the Complainant and OCR a copy of the documents in the Complainant's student file.
4. The University will reimburse the Complainant fix any charges or fees he incurred from the Anderson School of Management computer lab for the Spring 2014, Summer 2014, and Fall 2014 semesters. In addition, the University will give the Complainant the same access to the Anderson School of Management computer lab and the same ability as other students to borrow and use available computers.

REPORTING REQUIREMENT:

By May 1, 2015, the University will document to OCR that it reimbursed the Complainant for any charges or fees from the Anderson School of Management computer lab for the above mentioned semesters, and sent written notice to the Complainant as described above.

5. The Complainant registered for Modern Language 497 in the Fall 2014 semester with [Dr. A] and then also registered for Modern Language 497 in the Spring 2015 semester with [Dr. D]. Because these are independent study courses, the work done with [Dr. D] will not complete the work started with [Dr. A]. Since the complainant requires credit for only one of these courses, the University will give the Complainant a W (withdrawal) for the Fall Modern Language 497 course. The W grade will not affect the Complainant's GPA. Completing the Modern Language 497 course will satisfy the requirement for upper division hours for a bachelor's degree. However, this course with [Dr. D] was not designed to complete the Foreign Language requirement for the University Core Curriculum. Thus, the Complainant will have to take other coursework to satisfy the Foreign Language requirement. The Withdrawal grade for the Fall 2014 Modern Language 497 course will be recorded by May 7, 2015. The University will provide the Complainant with an updated copy of his transcript reflecting the change. This agreement and term do not guarantee that the Complainant will graduate or that his credits from CNM will transfer. Instead, this term simply relates to the Complainant's grade for the Fall 2014 Modern Language 497 course.

REPORTING REQUIREMENT:

- By the end of the Spring 2015 semester, the University will document to OCR that the grade for the Fall 2014 Modern Language 497 course has been changed to a W.
- The University will document that it has provided the Complainant an updated copy of his transcript reflecting the change.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that during the monitoring of this Agreement, OCR may visit the University, interview staff and students and request such

additional reports or data are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI at C.F.R. 100.3 and 100.7(e), which were at issue in this complaint.

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 regulation implementing Title VI at 34 C.F.R. §§ 100.3 and 100.7(e).

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 the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For University of New Mexico:



Dr. Robert Frank
President, University of New Mexico



Date