

**Resolution Agreement  
University of Utah  
Complaint No. 08-16-2023**

In order to resolve the complaint allegations that the University discriminated against the Student, based on her disability pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which provide in relevant part that no program or activity receiving Federal financial assistance from the U.S. Department of Education may discriminate on the basis of disability; and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65, and its implementing regulation at 28 C.F.R. Part 35, prohibit discrimination on the basis of disability by public entities, the University agrees to implement this Resolution Agreement. Entering into this agreement is not an admission of liability or wrongdoing by the University.

OCR received a complaint alleging that the University failed to respond to her disability discrimination complaint filed in 2013.

In order to resolve this Complaint and to avoid the burdens and expenses of further investigation and possible enforcement action, the University enters into this Agreement.

1. By **September 29, 2017**, the University will submit draft training material (e.g., handouts, outlines, power point slides) to OCR for review and approval. The University will also identify the proposed trainer and describe the trainer's qualifications. The subject of the training materials will be the Section 504 requirements at 34 C.F.R. § 104.7 and the University's Discrimination Complainant Process, especially that all grievances be handled promptly and equitably by the University.

2. Within 60 days, after OCR has approved the training materials referenced in paragraph 1 (above) of this Agreement, the University will provide the approved training to the Administrators and staff of the Office of Equal Opportunity/Affirmative Action.

**REPORTING REQUIREMENT:** Within ten calendar days of the provision of training to the staff members identified in paragraph 2, the University will provide OCR with a copy of the sign-in sheet documenting who received the approved training.

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 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 regulation implementing Section 504 at 34 C.F.R. part 104, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 (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.

\_\_\_\_\_/s/\_\_\_\_\_  
David W. Pershing, Ph.D.  
President

\_\_Aug 3, 2017\_\_\_\_\_  
Date