

## **RESOLUTION AGREEMENT**

### **New Mexico State University OCR Case Number 08-16-2206**

In order to resolve issues that arose during the investigation of OCR case number 08-16-2206, filed against the New Mexico State University and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the University agrees to implement this Resolution Agreement. This case investigation was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. §§ 104.7-104.8, 104.42, 104.44, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106 and 35.130.

1. Notice of Section 504/Title II Coordinator and Notice of Non-Discrimination: The University will review and revise its notice of nondiscrimination and notice of its Section 504/Title II compliance officer, so that the policies and procedures and notices are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. §§ 104.7–104.8 and 28 C.F.R. § 35.106.

#### **REPORTING REQUIREMENTS:**

- By November 30, 2016, the University will submit to OCR for review and approval the University's draft notice of non-discrimination and draft notice of the compliance officer.
  - Within 60 days of OCR's approval of the notices of nondiscrimination and Section 504/Title II compliance officer, the University will adopt the approved policy and procedures and notices, and provide notice of these to University students. The notice may be accomplished by placing information regarding the notice of the Section 504/Title II compliance officer and notice of non-discrimination on the University's website.
  - Within 60 days of the adoption of the OCR's approved notices, the University will provide OCR with supporting documentation to show the approved notices were adopted and notice given. Supporting documentation will include 1) weblinks to each place where the notice of Section 504/Title II coordinator and notice of non-discrimination are posted on the University's website, 2) student handbooks, or 3) other similar documents notifying students of the changes to the University's notice of the Section 504/Title II Coordinator and notice of non-discrimination.
2. The University will ensure that the OCR-approved notice of Section 504/Title II Coordinator and notice of non-discrimination are disseminated to all staff in the University. The University will email to all staff the notices within 60 days of the adoption of the OCR's approved notices.

#### **REPORTING REQUIREMENT:**

- Within 60 days of the adoption of the OCR's approved of the policies, the University will provide OCR with a copy of the email that was disseminated to staff members.
3. The University will identify and annually train the staff members at the School of Social Work who are responsible for the graduate program application process. The training will include the obligation of staff to refer potential disability accommodation requests to University's Student Accessibility Office.

**REPORTING REQUIREMENTS:**

- By January 30, 2017, the University will provide OCR with a copy of the training agenda, training materials, list of identified employees, and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.
- Within 60 days of OCR's approval of the trainer and training materials, the University will provide OCR with a copy of all handouts provided during or before the training, a list of all staff identified to receive the training, and a sign-in sheet for those attending the training.

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 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.7-104.8, 104.42, 104.44, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106 and 35.130, 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 (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 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 the Agreement, if necessary, OCR may visit the University, interview University 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.7-104.8, 104.42, 104.44, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106 and 35.130, which were at issue in this case.

For New Mexico State University:

/s/

12/9/2016

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Garrey Cuarruthers  
President/Chancellor

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Date