

RESOLUTION AGREEMENT

Metropolitan State University of Denver OCR Case Numbers 08-17-2268 and 08-17-2278

In order to resolve the open allegations in the Office for Civil Rights Case Numbers 08-17-2268 and 0817-2278, filed against Metropolitan State University of Denver (University) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990¹ and their implementing regulations at 34 Code of Federal Regulations (CFR) Part 104 and 28 CFR Part 35, the University agrees to take the actions outlined in this Resolution Agreement. The University's decision to enter into this agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. By **April 1, 2018**, the University will conduct an audit of its graduation application portal to determine whether it is compliant with the guidelines set out in the Web Content Accessibility Guidelines (WCAG) 2.0 AA. If the University finds deficiencies in the portal, it will take action to correct the portal and to make it accessible, in compliance with the WCAG 2.0 AA within 30 calendar days of completion of the audit.

Reporting Requirement 1

By **April 15, 2018**, the University will provide OCR with a written report of its audit of the graduation application portal. The report will include an explanation of the University's findings and the University's time table for corrective action for any deficiencies discovered, to be completed within 30 days of the completion of the audit.

2. By **April 1, 2018**, the University will X – provision redacted - X
3. By **April 28, 2018**, the University will provide training to all xxxxxx center staff, and specifically to the June 29, 2017 xxxxxxxx for the Complainant on the following:
 - a. X – provision redacted - X;
 - b. The range of implications for students in post-secondary education;
 - c. X – provision redacted - X;
 - d. The requirements of Section 504 to not discriminate against individuals with disabilities, and

¹ Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq., 28 C.F.R. Part 35 applies here as well and is parallel to Section 504. We will reference Section 504 in this document.

- e. A description of how verbal statements can be discriminatory, including examples of alleged verbal discrimination identified in this complaint.

Reporting Requirement 3.1

By **April 1, 2018**, the University will provide OCR, for OCR's approval, its draft training materials; identify who will be providing the training, by name, title, and qualifications; and provide a list of personnel required to participate in the training, by name and title. The University will fully and promptly address any comments by OCR and will continue to modify the materials, trainers, or personnel list until it receives final OCR approval.

Reporting Requirement 3.2

Within **60 days** of OCR's approval, the University will provide OCR with documentation demonstrating that the training was provided and a copy of the training sign-in sheets.

4. By **April 1, 2018**, the University's Office of Equal Opportunity shall reinvestigate the Complainant's allegation of retaliation in the grievance he filed with the University that was resolved on September 15, 2017. The Director will apply the following legal analysis of the Complainant's allegation: whether the Complainant experienced an adverse action caused by the University; the University knew the Complainant engaged in an activity protected by Section 504 and Title II or believed the individual might engage in an activity protected by Section 504 and Title II in the future; and a causal connection existed between the adverse action and the protected activity. If the Director determines that a causal link exists between any adverse action and any protected activity, the Director will next determine whether the University has a legitimate, non-retaliatory, reason for its action; and whether such reason is a pretext for retaliation. The Director will do additional fact finding, if necessary, to complete the analysis as set forth herein.

Reporting Requirement 4

By **April 15, 2018**, the University will provide OCR with the following:

- a. A copy of its written investigative findings addressing the Complainant's allegation of retaliation.
- b. A copy of the investigative file, and
- c. Written verification that the Complainant has been notified of the University's amended findings and any corrective action taken if warranted.

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, 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 Section 504 and Title II, which were at issue in this case. Upon completion of the obligations under the Agreement, OCR shall close 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 the Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

2/9/2018

For Metropolitan State University of Denver

Date

Name:

Title: