

## RESOLUTION AGREEMENT

### Arizona State University OCR Case Number 08-20-2235

Arizona State University (University) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaints and ensuring compliance with 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 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Prior to OCR's completion of its investigation, the University indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, complaint allegations may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the allegations, OCR believes that doing so is appropriate, and the agreement's remedies align with the allegations and are consistent with Section 504 and Title II's regulatory requirements. The University's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such. To resolve OCR Case Number 08-20-2235, the University agrees to implement the following terms and fulfill the following reporting requirements.

1. **Emergency Response Procedure Development** - The University will, in consultation with the local fire department, develop emergency response procedures for Sun Devil Stadium (Stadium) that cover fires, lockdowns, severe lightning storms, and other emergencies. The emergency response procedures will, at a minimum:
  - a. address the needs of students, staff, and visitors with a variety of disabilities (including, but not limited to, visual, hearing, mobility, sensory-related, intellectual, and respiratory disabilities) in the event of an emergency; and
  - b. detail the process the University will use to notify visitors to the Stadium of the University's emergency response procedures, including information about how to request assistance in the event of an emergency.

**REPORTING REQUIREMENT A:** By March 11, 2021, the University will submit a copy of its draft emergency response procedures for OCR's review, feedback, and approval. The University will also submit documentation demonstrating that it consulted with its Disability Resource Center, accessibility representatives from within Facilities Management, Fire Marshal, Director of Emergency Preparedness, and the local fire department in the development of its emergency response procedures and will inform OCR of the local fire department's recommendations and the actions the University took responsive to those recommendations.

The University will address OCR's concerns with the implementation of this term, if any, until OCR considers the concerns resolved.

**2. Emergency Response Procedure Implementation** - Within sixty (60) calendar days of receiving OCR's written approval, the University will implement the emergency response procedures for the Stadium. To implement the procedures, the University will, at a minimum:

- a. publish the emergency response procedures that are relevant to the safety of individuals with disabilities on the University's Official Athletics Website and the Stadium's website in a location where the information can be easily accessed by visitors;<sup>1</sup>
- b. ensure signage is installed throughout the Stadium, consistent with the requirements of the 2010 ADA Standards, providing directions to accessible means of egress and areas of rescue assistance, and instructions on the use of areas of rescue assistance, where applicable; and
- c. ensure maps of the Stadium are accessible to visitors with disabilities and that they reflect accessible paths of egress and areas of rescue assistance.

**REPORTING REQUIREMENT A:** Within fifteen (15) calendar days of implementation and publication, the University will submit to OCR copies of all documents and links to all webpages that contain the emergency response procedures and photos of signage within the Stadium. The University will address OCR's concerns with the implementation of this term, if any, until OCR considers the concerns resolved.

**3. Emergency Response Procedure Training-** Within thirty (30) calendar days of the implementation required by Term 2 or by June 25, 2021, whichever is later, the University will provide training on the University's emergency response procedures and process for notifying visitors with disabilities about the emergency procedures to all appropriate University staff who work at the Stadium.<sup>2</sup> The University agrees to make all reasonable efforts to invite local emergency response authorities, including the local fire department, to attend the training to provide additional support and information to training attendees.

**REPORTING REQUIREMENT A:** Within two weeks of the conclusion of the training, the University will submit to OCR documentation demonstrating that the training was provided. The documentation will include, at a minimum:

- a. a copy of all relevant records of communication that demonstrate the University's efforts to obtain training support from the fire department;
- b. the agenda and handouts for the training;
- c. a copy of any additional training materials used;
- d. the date(s) and time(s) the training was held;
- e. the name(s) and qualifications of the training instructors; and
- f. a copy of the attendance sheets maintained for the training, including the name and title for each participant.

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<sup>1</sup> Including, but not limited to, visitors with visual disabilities.

<sup>2</sup> "University staff who work at the Stadium" includes paid employees, volunteers, and others responsible for providing any level of non-concessionaire customer service during events at the Stadium.

The University understands that OCR will close the monitoring of this Agreement when OCR determines that the University has fulfilled the terms of this Agreement.

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 contained herein. 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 regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which were at issue in this case.

The University further understands and acknowledges that OCR may initiate administrative enforcement of 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 a minimum of 60 calendar days to cure the alleged breach .

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/s/

10/23/20

Dr. Morgan Olsen  
Executive Vice President, Treasurer, Chief Financial Officer  
For the University

Date