



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD., SUITE 310
DENVER, CO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

RESOLUTION AGREEMENT
University of New Mexico, Main Campus
OCR Case No. 08-23-2014

The United States Department of Education (Department), Office for Civil Rights (OCR) and the University of New Mexico (University) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced case. The University's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such. The University assures OCR that it will take the following actions to comply with the requirements of 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, which prohibit discrimination on the basis of disability by public entities.

1. Assistive Listening Devices

Within 90 calendar days of the signing of this Agreement, the University will acquire and/or repair their Assistive Listening Devices to ensure they have at least 55 receivers with at least 13 of those being hearing-aid compatible. The University will ensure that the receivers are in compliance with Section 706 of the 2010 ADA Standards for Accessible Design (2010 Standards), including that (a) each receiver has a 1/8 inch standard mono jack; (b) they are capable of providing a sound pressure level of 110dB minimum and 118dB maximum, with a dynamic range on the volume control of 50dB; (c) the signal-to-noise ratio for internally generated noise is 18dB minimum; (d) peak clipping shall not exceed 18dB of clipping relative to the peaks of speech; and (e) that the receivers required to be hearing-aid compatible shall interface with telecoils in hearing aids through the provision of neckloops.

Reporting Requirement 1: Within 90 calendar days of signing the Agreement, the University will provide OCR with verification that it has purchased any necessary receivers that may be required to ensure that the University has at least the minimum required number of receivers. Within 150 calendar days of signing the Agreement, the University will provide OCR with documentation showing that Popejoy Hall has at least functional 55 receivers, with at least 13 of those being hearing-aid compatible, and that these receivers are in compliance with Section 706 of the 2010 Standards. The verification that these receivers are in compliance with Section 706 shall come from a licensed audiologist or other qualified professional and the University shall provide OCR with the verifier's qualifications. The University will promptly and fully address

feedback, if any, from OCR until it receives OCR's approval regarding the Assistive Listening Devices and no further reporting is required for Term 1.

2. Complaint Procedure

Within 90 calendar days of the signing of this Agreement, the University will ensure Popejoy Hall has a procedure in place for patrons to report issues or concerns regarding the functionality of the Assistive Listening Devices and will ensure Popejoy Hall publishes this procedure conspicuously on the Popejoy Hall website.

Reporting Requirement 2(A): Within 90 calendar days of signing the Agreement, the University will provide OCR with draft documentation regarding the procedure that the University intends to implement. The University will promptly and fully address feedback, if any, from OCR until it receives OCR's approval regarding the procedure.

Reporting Requirement 2(B): Within 30 calendar days of receiving OCR's approval under Reporting Requirement 2(A), the University will provide OCR with documentation showing that the procedure was published on the Popejoy Hall website.

3. Signage

Within 30 calendar days of the signing of this Agreement, the University will ensure Popejoy Hall posts signage advertising the availability of Assistive Listening Devices at the information kiosk, and either each ticket office/ticket window or each assembly area. This signage will comply with Section 703.5 of the 2010 Standards and shall include the International Symbol of Access for Hearing Loss.

Reporting Requirement 3: Within 45 calendar days of signing the Agreement, the University will provide OCR with photo documentation of the signage being posted.

The University understands that by signing this Agreement, it agrees to provide the foregoing 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has demonstrated compliance with all the terms of this Agreement and is in compliance with Title II, which was at issue in this Complaint.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the 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.

This Agreement will become effective immediately upon the signature of the University's representative below.

FOR UNIVERSITY:

XXXX
Associate University Counsel

Date