

California State University, Fresno
Office for Civil Rights
09-17-2023
Resolution Agreement

In order to resolve the issues raised under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), and without admitting or conceding any violation of Federal law with respect to the issues raised in the complaint, California State University, Fresno agrees to implement this agreement.

1. Defined Protocol between Band Program and Services for Students with Disabilities (SSD)
 - a. The Band Director is instructed to contact the SSD and the Associate Dean immediately if a student in the program raises any disability related concerns with him or his staff;
 - b. The SSD will meet with the Band Director and Associate Dean in a timely fashion to assess the circumstances (timing will be expedited if the issue occurs prior to an upcoming band performance);
 - c. SSD will work with Band Program and the Associate Dean to develop a plan for academic adjustments for the student's successful participation in the program provided that the student is qualified as a disabled student under Section 504/Title II;
 - d. By February 2, 2017, prior to the distribution of the protocol as outlined in 1.a-c, the University will provide it to OCR for review and approval a draft of the protocol.
 - e. Within 5 days of OCR's review and approval of the protocol, the University will circulate it to the relevant personnel in the SSD office and the Band Program.
 - f. Within 5 days after the University circulates the protocol in accordance with 1.a-e, the University will provide documentation to OCR that it provided the protocol in accordance with 1.a-e.
2. Defined Protocol for Security Clearance at Offsite Events for Academic Adjustments
 - a. Include protocol for band and others to check for any security clearance involved with offsite events related to a student's use of a service animal or other academic adjustment: 1) the Band Director and Associate Dean agree to have the staff call, in a timely fashion, individuals/company managing the off-site venue to address any prior approvals or other clearances necessary for the service animal or other academic adjustment; 2) the Band Director and the Associate Dean will contact the SSD office if he encounters any difficulties gaining resolution of concerns from those managing the off-site venue of the upcoming event; and 3) the SSD Office will work with the venue as needed to obtain the necessary resolution of any outstanding issues related to the student's ability to participate in the event with a service animal or other academic adjustment.

- b. By February 2, 2017, prior to the distribution of the protocol as outlined in 2.a, the University will provide it to OCR for review and approval a draft of the protocol.
- c. Within 5 days of OCR's review and approval of the protocol, the University will circulate it to the relevant personnel in the SSD office and the Band Program.
- d. Within 5 days after the University circulates the protocol in accordance with 2.a-c, the University will provide documentation to OCR that it provided the protocol in accordance with 1.a-e.

3. Training for Band Director and Volunteers on Section 504/Title II:

- a. The SSD office will meet with the Band Director and the Coordinator of volunteers to review the University's policies and criteria for accommodating students per the requirements of Section 504 and Title II.
- b. By February 27, 2017, the University will provide documentation to OCR that it distributed the materials to the Band Director and Coordinator of volunteers in accordance with 3.a.
- c. By August 1, 2017, the University will provide documentation to OCR that it held the meeting with the Band Director and Coordinator of volunteers in accordance with 3.a.

4. General Provisions

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 and Title II which were at issue in this case.

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, after consultation with the University, 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 and Title II.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Deborah Adishian-Astone
Vice President for Administration and Interim CFO
California State University, Fresno

02/02/2017
Date