

Resolution Agreement
San Diego State University
Case No. 09-17-2222

San Diego State University (University) agrees to implement this Resolution Agreement (Agreement) in order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 *et seq.* (Section 504) and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.* (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Training for XXXXXXXXXXXX Coaching and Training staff

The University will ensure that the coaching and non-student athletic training staff for the XXXXXXXXXXXX team receives a training regarding students with disabilities, including with invisible disabilities. The training will include the following subject areas:

- A. Describe the range of disabilities that might fit the category of disabilities that may not be visible, such as learning disabilities, mental health disabilities, and Attention Deficit Hyperactivity Disorder, and explain the protections available to and the prohibitions against discrimination of students with disabilities under Section 504/Title II and their implementing regulations;
- B. Describe what constitutes discrimination, including different treatment, and harassment on the basis of disability with respect to students with disabilities; and
- C. Provide guidance on where to refer student athletes to receive services and accommodations for disabilities and what to do if a student states that he or she has been discriminated against based on disability, including the roles of campus offices responsible for addressing those issues.

Reporting Requirements:

By January 15, 2018, the University will provide OCR, for review and approval, the materials that will be used during the training for XXXXXXXXXXXX coaching and training staff, including copies of any slide presentation and materials that will be distributed and the name, title, and qualifications of the trainer(s).

The University will provide the training required in Section I. within 90 days of OCR's approval. Within 15 days of providing the training required in Section I. the University will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the University employees who attended the training, a list of the required University employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

II. Guidance Memo to Student Disability Services (SDS) Staff Regarding Protocol for Referring Students to File Discrimination Complaints

By January 15, 2018, the University will circulate a memo to the Student Disability Services (SDS) staff describing the required protocol for referring students to file a discrimination complaint with the University and explaining the complaint process to students any time a student raises concerns to SDS staff about possible disability discrimination. The memo will also clarify that SDS staff are responsible employees under the applicable Executive Orders and must comply with the terms of those Executive Orders, including reporting requirements; that students who report discrimination shall be informed that any informal process is voluntary; and that the complaining student cannot be required to meet first with the individuals who the student has alleged have harassed him/her in order to obtain an informal resolution.

Reporting Requirements:

Within 15 days of circulating the memo to SDS staff, the University will submit documentation to OCR demonstrating that the memo was circulated to all SDS staff. The documentation that the University will submit to OCR will include the following: 1) documentation showing that the memo was circulated to all SDS staff and describing the date the memo was circulated, such as email documentation, and 2) a copy of the memo that was circulated to all SDS staff including any attachments to the memo.

Within 30 days of circulating the memo to SDS staff, the University will provide training on the memo to all professional staff in the SDS office. Within 15 days of providing the training required the University will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets indicating which University employees attended the training, a list of the required University employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

III. Revise SDS Webpage and Any Other Relevant Documents to Clarify the Disability Complaint Process

The University will revise the language on the SDS webpage on the University's website to make it clear that students who wish to file a disability discrimination complaint with the University are not required to conduct a meeting by phone or in person with the SDS Director first to informally resolve the complaint, that this option is voluntary on the part of the individual complaining, and that they can file a complaint with the Office of Ombudsman or Office of Employee Relations and Compliance at any time.

Reporting Requirements:

By January 15, 2018, the University will provide OCR, for review and approval, the revised language that will be included on the SDS webpage and other relevant documents to comply with the requirements of Section III.

Within 20 days of receiving OCR's approval for the revised language to be included on the SDS webpage and other relevant documents, the University: 1) will revise the SDS webpage and other relevant language to include this revised language, 2) circulate an email or other document in writing to SDS staff regarding the changes in Section III; and 3) will submit documentation to OCR demonstrating that the University has completed items 1) and 2).

IV. Monitoring

- A. The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 34 C.F.R. § 104.4(a) and (b), and 28 C.F.R. §35.130(a) and (b), specific to the issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

- B. 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.

_____/s/_____
Name and Title:
Jessica Rentto
Associate Vice President, Administration
San Diego State University

November 16, 2017