



CALIFORNIA STATE
UNIVERSITY
E A S T B A Y

Risk Management & Internal Control

CALIFORNIA STATE UNIVERSITY, EAST BAY
25800 Carlos Bee Blvd., SA1600, Hayward, CA 94542
Telephone: (510) 885-4227 Fax: (510) 885-4908

Resolution Agreement **California State University, East Bay** **09-18-2245**

California State University, East Bay (University), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified in the above-referenced case by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and the implementing regulations for each of these statutes.

I. Individual Measures

- a. The University will reimburse the Student in full for the cost of her fall 2017 courses and labs, including any related fees and materials.
- b. The University will remove from the Complainant's transcript any reference to her withdrawal from the courses and labs that she was enrolled in during fall 2017.
- c. Reporting requirement: By **August 13, 2018**, the University will confirm to OCR that it has reimbursed the Student for the cost of her fall 2017 courses and labs. By **August 13, 2018**, the University will provide OCR a copy of the Complainant's transcript, deleting any reference to the courses and labs she was enrolled in during fall 2017.

II. Guidance for Personnel

- a. The University will issue written guidance to its faculty, administrators, and Accessibility Services personnel regarding the following:
 - i. Title IX's prohibition of discrimination against students based on pregnancy or recovery from childbirth. Section 504 and Title II's prohibition of discrimination against students based on disabling conditions resulting from pregnancy or recovery from childbirth.
 - ii. The University's obligation under Title IX to accommodate pregnant students and those recovering from childbirth, including: excusing absences because of pregnancy or childbirth, providing reasonable

adjustments to the regular program to ensure a pregnant student's access to the educational program, allowing students to make up work missed due to pregnancy or birth-related conditions, and allowing students to return to the same academic and extracurricular status as before any pregnancy or birth-related medical leave began.

- iii. The University's obligation under Section 504 and Title II to: make reasonable modifications to policies, practices or procedures; provide academic adjustments; and provide auxiliary aids and services necessary to avoid discriminating against students with disabling conditions resulting from pregnancy or recovery from childbirth unless the modification, adjustment, or auxiliary aid or service would constitute a fundamental alteration to the nature of the program or an undue burden.
 - iv. A description of the University's internal policies, procedures, and practices in responding to requests for accommodations from students because of pregnancy or birth-related conditions, and the University's expectation that University personnel will promptly notify and consult with the Title IX Coordinator and a designated individual(s) in Accessibility Services upon receipt of any such accommodation request .
- b. Reporting requirement: By **September 10, 2018**, the University will provide OCR a draft of the written guidance referenced in Section II.a. of this Agreement for review and approval. Within **twenty days** of OCR's approval the University will confirm that it has distributed the written guidance to all faculty, administrators, and Accessibility Services counselors.

III. Notice to Students

- a. The University will add a notice containing the following information to one or more areas of its website frequently accessed by students, such as its links to information for Current Students, Student Resources, Accessibility Services, Student Equity and Success, and Title IX:
 - i. Title IX's prohibition of discrimination against students based on pregnancy or recovery from child birth. Section 504 and Title II's prohibition of discrimination against students based on disabling conditions resulting from pregnancy or recovery from childbirth.
 - ii. The University's obligation under Title IX to accommodate pregnant students and those recovering from childbirth, including: excusing absences because of pregnancy or childbirth, providing reasonable adjustments to the regular program to ensure a pregnant student's access to the educational program, allowing students to make up work

missed due to pregnancy or birth-related conditions, and allowing students to return to the same academic and extracurricular status as before any pregnancy or birth-related medical leave began.

- iii. The University's obligation under Section 504 and Title II to: make reasonable modifications to policies, practices or procedures; provide academic adjustments; and provide auxiliary aids and services necessary to avoid discriminating against students with disabling conditions resulting from pregnancy or recovery from childbirth unless the modification, adjustment, or auxiliary aid or service would constitute a fundamental alteration to the nature of the program or an undue burden.
 - iv. The title, physical location, telephone number, and email address of the Title IX Coordinator and a designated individual(s) in Accessibility Services and their availability to respond to questions and concerns by pregnant students and those recovering from childbirth, and a description of the University's internal policies, procedures, and practices in responding to requests for accommodations from students because of pregnancy or birth-related conditions.
- b. The University will send an email to all of its students alerting them to the notice added to its website under Section III.a. of this Agreement, including a link(s) to the notice.
- c. Reporting requirement:
- i. By **September 10, 2018**, the University will provide OCR a draft of the website notice referenced in Section III.a. of this Agreement for review and approval. Within **twenty days** of OCR's approval the University will confirm that it has added the notice to its website and will provide a link(s) to the notice.
 - ii. By **September 10, 2018**, the University will provide OCR a draft of the email referenced in Section III.b. of this Agreement for review and approval. **Within twenty days** of OCR's approval the University will confirm that it sent the email to its students.

Monitoring:

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 the 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. Upon the University's satisfaction of the commitments made under the Agreement, OCR will close the case.

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 will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Nyassa Love Johnson, AVP Risk Management

07/31/2018
Date