

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Boise State University (University) enters into this agreement to resolve the allegation in a complaint (Reference No. 10152013) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10152013 and does not constitute an admission by the University of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10152013 based upon the University's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. The University understands and acknowledges that if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 CFR 100.9, 100.10; 28 CFR 35.174), 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.
- D. The University agrees to provide OCR data and other information in a timely manner. Further, the University understands that during the monitoring of this agreement, OCR staff may visit the University's campus and the relevant building, 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 which were at issue in this case.

- E. 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 Section 504 and Title II regulations which were at issue in these complaints.

III. REMEDIAL PROVISIONS

A. Accessibility Plan

1. To ensure that the Technology & Entrepreneurial Center (“TECenter”), which is located at 5465 East Terra Linda Way, Nampa, Idaho, complies with the applicable Section 504 and Title II accessibility standards and requirements, the University will evaluate and address, as necessary, accessibility concerns in the facility, which includes a review of the parking lot; curb ramp and exterior accessible route to the entrance; interior accessible route; interior doors and door hardware; access to controls and control panels; exterior doors; interior signage; men’s and women’s restrooms; men’s and women’s shower rooms; assembly areas; and general building elements related to the placement of trash cans, chairs, and seasonal decorations.
 - a. By July 1, 2015, in consultation with OCR, the University will determine the specific accessibility standards that apply to facilities and elements listed above.
 - b. By August 1, 2015, in consultation with OCR, the University will conduct an accessibility evaluation of the facility and elements identified during its review of the facility. The evaluation will be designed to accurately assess its compliance with the applicable accessibility standards.
 - c. By August 1, 2015, based on its review of the results from its accessibility evaluation, the University will develop a transition plan to address any elements that did not comply with the applicable accessibility standards. The plan will include, but is not limited to: identifying the University’s chosen method(s) for addressing the inaccessible elements; a description and schedule of all planned structural modifications; and a description of interim steps that the University will take in order to provide

accessibility at the facility pending completion of any structural modifications.

2. Within 90 days of OCR approval of the transition plan created pursuant to section III.A.1.c of this agreement, the University will complete its implementation of the transition plan items that do not require funding from, for example, a state budgetary request and/or allocation. These items will consist of alterations that do not require significant expense or construction.
3. Within one calendar year from OCR approval of the transition plan created pursuant to section III.A.1.c of this agreement, the University will complete the full implementation of the transition plan, including those items that may require significant expense or construction.
4. The University agrees to implement all interim steps identified pursuant to section III.A.1.c of this agreement in order to provide accessibility at the TECenter pending completion of any structural modifications.

B. Maintenance Procedures

Within one calendar year from the effective date of this agreement, in consultation with OCR, the University will review and revise, as necessary, the University's facility maintenance policies and procedures implemented at the TECenter to ensure that the University maintains in operable working condition the accessible features and equipment in the TECenter.

C. Designated Employee

By July 1, 2015, the University will designate at least one employee for the University who will ensure the following responsibilities are regularly completed at the TECenter: providing information about the existence and location of accessible services, activities, and facilities; providing timely dissemination of information about temporary modifications and interruptions of service due to University's implementation of the accessibility plan; responding to accessibility requests from students, program participants, employees, or other persons; and addressing accessibility complaints.

D. Notice and/or Training

1. By August 1, 2015, the University will provide effective notice and training to TECenter employees who are responsible for coordinating and carrying out the University's compliance with Section 504 and Title II with regard to the University's accessibility policies and procedures.
2. Within 30 days of OCR approval of the procedures drafted and implemented in accordance with section III.B. of this agreement, the University will provide effective notice to TECenter employees who are responsible for coordinating and carrying out the University's compliance with Section 504 and Title II on any substantive revisions made to the University's facility maintenance procedures pursuant to section III.B.

IV. REPORTING PROVISIONS

A. Accessibility Plan

1. By July 1, 2015, pursuant to section III.A.1.a, the University will submit a final report regarding its assessment of the specific accessibility standards that apply to the relevant elements, which OCR will review and approve.
2. By August 1, 2015, pursuant to section III.A.1.b, the University will submit a final report regarding its accessibility evaluation, which OCR will review and approve.
3. By August 1, 2015, pursuant to section III.A.1.c, the University will submit its proposed transition plan, which OCR will review and approve.
4. Within 90 days of receiving OCR's approval of the proposed transition plan, and every 180 days thereafter until completion, the University will provide OCR with a report showing its progress to date towards implementing the transition plan that has been approved by OCR. Each report will provide sufficient information and detail for OCR to determine that the University is adhering to

the plan, and that the University's actions fully comply with the Section 504 and Title II accessibility standards and requirements.

B. Maintenance Procedures

1. Within one calendar year from the effective date of this agreement, pursuant to section III.B the University will submit its proposed revisions to its policies and procedures, which OCR will review and approve.
2. Within 60 days of receiving OCR's approval of the proposed accessibility procedures, the University will provide OCR with a report demonstrating its adoption and implementation of the revised policies and procedures, and in particular at the TECenter. The report will include a copy of the implemented procedures, the date the procedures were formally implemented, and the name of the person or group responsible for the implementation of the revised procedures.

C. Designated Employee

By July 1, 2015, the University will provide OCR a report showing that it has designated employee(s) pursuant to section III.C. The report will include name(s), position title(s), and contact information for the designated employee(s).

D. Notice and/or Training

1. By August 1, 2015, the University will provide OCR a report regarding its notice and/or training actions under section III.D.
 - a. Regarding any notices developed and disseminated, the report will include a description of when and how the notices were distributed; persons who received the notices, including the names and position titles of specific employees; and a copy of the distributed notices.
 - b. Regarding any training actions, the report will include the date(s) of training(s); a copy of each training agenda and training materials; the name and position title of the

presenter(s); and the names and position titles of persons who attended the training(s).

2. Within 60 days after the date of notice provided under section III.D.2 of this agreement, the University will provide OCR a report regarding its notice actions under said section. The report will include description of when and how the notice(s) were distributed; persons who received the notice(s), including names and position titles of specific employees; and a copy of the distributed notice(s).

Signed:

_____/x/_____
Stacy Pearson
Vice President, Finance and Administration
Boise State University

__06/02/2015_____
Date