

VOLUNTARY RESOLUTION AGREEMENT

University of Nevada Las Vegas (the university) voluntarily agrees to take the following actions to resolve the allegations in a complaint (Reference No. 10162107) 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).

A. **Review of Policies, Procedures and Practices**

Action Items

1. The university will review and revise its policies, procedures, and practices (procedures) with regard to the provision of academic adjustments and auxiliary aids, specifically note takers, for students with disabilities.¹ The university will also ensure that its procedures specify that if it determines that a student requires certain academic adjustments that are not readily available for implementation, it will take steps to ensure that the student is not, in the interim, denied an opportunity to participate in academic programs and activities by using available alternatives to minimize the impact of the delay. These interim measures should be calculated to ensure that the delays do not deny the student the ability to continue to meaningfully participate in classes or activities, including in the completion of assignments or assigning of grades.
2. Within 30 days of receiving OCR's approval of the revised procedures regarding the provision of academic adjustments and auxiliary aids and services to students with disabilities, the university will implement the revised procedures.

Reporting Requirements

1. By November 28, 2017, the university will submit to OCR for review and approval the university's proposed revised procedures with regard to the provision of academic adjustments and auxiliary aids and services to students with disabilities. If OCR requires changes to the procedures, the university will re-submit the procedures to OCR for review and approval

¹ Throughout this agreement, any mention of academic adjustments and auxiliary aids and services are in reference to the provision of such services to disabled students.

within 30 days of receiving notice of the revisions required by OCR. OCR and the university will follow the same process until OCR approves the university's procedures.

2. Within 60 days of receiving OCR's approval of the university's procedures, the university will provide documentation to OCR demonstrating its compliance with Action Item A.2, including but not limited to, the final procedures, and evidence of the procedures' publication and dissemination to the university community.

B. Notice

Action Items

1. By January 10, 2018, the university agrees to disseminate to pertinent staff, specifically staff members in the disability services office and faculty, notice of the university's obligations specified under Action Item A.1., above.
2. By January 10, 2018, the university agrees to initiate annual dissemination of the notice to pertinent staff members and faculty referenced in Action Item B.1, above.

Reporting Requirements

1. By January 17, 2018, the university will provide a report to OCR that reflects the specific actions taken to comply with Action Item B.1, above. The report will include a copy of the written notice disseminated to pertinent university staff members and faculty, and documentation of the names and titles of those who received the notice. If the notice was also disseminated to the identified individuals in any non-written manner, the university will also provide documentation indicating what was contained in the non-written notice, and how, when, and to whom the notice was disseminated.
2. By January 17, 2018, the university will provide a report to OCR that reflects specific actions taken to comply with Action Item B.2, above. The report will include documentation of the actions initiated by the university to implement an annual notice to pertinent staff and faculty as referenced in Action Item B.2, above, such as, for example, delegation to a staff member

of the responsibility for disseminating notice, or inclusion in a university calendar.

C. Training

Action Items

1. The university agrees to provide training to its staff in the disability services office and any other pertinent staff members regarding its policies and procedures as identified under Action Item A.1., above.
2. Within 60 days of receiving OCR's approval of the training materials, the university will provide training as specified under Action Item C(1), above.

Reporting Requirements

1. By November 28, 2017, the university will submit to OCR for review and approval a copy of any training materials developed in accordance with Action Item C(1), including the name(s) and credentials of any individuals who will be providing the training. If OCR requires any changes to the training materials, the university will re-submit the proposed training materials to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the university will follow the same process until OCR approves the university's training materials.
2. By January 10, 2018, the university will provide documentation to OCR demonstrating the university's compliance with Action Item C(2), including a copy of all training materials used, the date of the training, a copy of the attendance sheet, and the name and title of the trainer.

D. Student-Specific Actions

Action Items

1. The university will conduct a review of the Student's Phil 101 class to determine the date the student requested a note-taker for the class and the date the university provided the student with a note-taker. If the university determines that the student was not assigned a note-taker in a reasonably timely manner, the subsequent provisions of this agreement will apply to Phil 101 similar to English 231.

2. The university will send the student a letter expressing the university's commitment to provide necessary academic adjustments and auxiliary aids and services to students with disabilities pursuant to Section 504 and Title II.
3. In the letter (D.2 above), the university will offer the student the opportunity to accept one of two options. The first option offered will be for the student to retake, at no cost to the student, English 231 (and Phil 101 depending on its assessment, pursuant to D.2, above), and have the grade earned in the retaken class be the official grade on his transcript. The second option offered is that the university will remove English 231 (and/or or Phil 101) from the student's transcript and refund the cost for the courses removed. The letter will allow the student until December 28, 2017, to make a request for retakes or refund. Should the student not choose either option, the university will not alter the student's transcript.

Reporting Requirements

1. By November 28, 2017, the university will provide to OCR a copy of its review and findings of the student's Phil 101 class as described under Action Item D.1 above.
2. By November 28, 2017, the university will provide to OCR for review and approval a draft of the letter described under Action Item D.2, above. If OCR requires any changes to the letter, the university will re-submit the letter to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the university will follow the same process until OCR approves the university's letter and authorizes the university to issue it to the student.
3. By January 10, 2018, the university will provide OCR a final copy of the letter described under Action Item D.2, above, that it issued to the student.

E. General Monitoring Principles

1. The university understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the university understands that during the monitoring of this agreement, OCR may visit the university campus, 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 regulation implementing Section 504 at 34 C.F.R. § 104.4, 34 C.F.R. § 104.43, and 34 C.F.R. § 104.44; and Title II at 28 C.F.R. § 35.130 and 28 C.F.R. §35.160, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.

2. The university understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including enforcing the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including 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.

BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, ON BEHALF OF THE UNIVERSITY OF NEVADA, LAS VEGAS:

Recommended:

_____/s/
Barrett Morris
Director, Office of Compliance

Date: November 8, 2017

Recommended:

_____/s/
Dr. Carl Reiber
Senior Vice Provost

Date: November 14, 2017

Approved:

_____/s/
Len Jessup
President

Date: November 16, 2017

Approved as to Legal Form:

