

**Voluntary Resolution Agreement
University of Nevada, Reno
OCR Reference No. 10172221**

I. INTRODUCTION

The Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno (University) enters into this agreement to resolve the allegation in a complaint (Reference No. 10172221) filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. Reference No. 10172221 alleged only that the University failed to resolve the Complainant's internal complaint of disability discrimination in a prompt manner.

OCR has not made a finding of noncompliance against the University. Before the conclusion of OCR's investigation of Reference No. 10172221, the University elected to resolve the complaint through a voluntary resolution agreement. This agreement does not constitute an admission by the University of any violation of Section 504, Title II, or any other law.

The University is committed to diversity and to ensuring that its facilities, programs, services, and activities are accessible to all. The University therefore voluntarily agrees to the following provisions to assure that complaints of disability discrimination are resolved promptly and equitably. OCR has ended its investigation of Reference No. 10172221 based upon the University's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegation in this complaint.

II. RESOLUTION AND REPORTING PROVISIONS

A. Self-Evaluation and Complaint Procedures

In consultation with OCR, the University will conduct a self-evaluation of the complaint process that it used to respond to the Complainant's complaint of disability discrimination, which he filed on October 14, 2016. The evaluation will be designed to accurately assess whether the University's response to this complaint under the University's complaint procedures was prompt and equitable. Based on the results of its evaluation, the University will develop and implement an action plan to address any identified deficiencies.

Reporting Step 1: Within 120 days of execution of this agreement, the University will submit a report regarding its self-evaluation. OCR will review and provide feedback on the self-evaluation report. The University's self-evaluation report will include at a minimum: an explanation of who conducted the evaluation and his/her qualifications; a list of the information collected and reviewed during the evaluation; and a detailed explanation of the University's self-evaluation findings regarding the University complaint procedures and its response to the complaint.

Reporting Step 2: Within 30 days of receiving OCR's feedback, the University will incorporate OCR's feedback and provide OCR with a revised self-evaluation report for approval. OCR and the University will continue this process until OCR approves the self-evaluation report.

Reporting Step 3: Within 60 days of OCR approving the self-evaluation report, the University will submit its action plan. OCR will review and provide feedback on the action plan. The University's action plan will include at a minimum: a description and schedule of the steps that the University plans to take to address any deficiencies identified under the University's self-evaluation; the employees responsible for their completion; and what, if any, technical assistance OCR can provide to assist the University (e.g., reviewing proposed policies and procedures, etc.).

Reporting Step 4: Within 30 days of receiving OCR's feedback, the University will incorporate OCR's feedback and provide OCR with a revised action plan for approval. OCR and the University will continue this process until OCR approves the action plan.

Reporting Step 5: Within the deadlines set forth in the approved action plan, the University will complete its implementation of its action plan. Every 90 days after OCR approves the action plan, the University will submit a report demonstrating its progress to date towards completing the action plan. Each report will provide sufficient information and detail for OCR to determine that the University is adhering to the plan and the University's actions comply with Section 504 and Title II.

B. Notice

The University will provide written notice to its employees, students, current football season ticketholders as well as season ticketholders from the 2016-2017 academic year, and other interested persons, of any new or revised procedures developed under this agreement. Methods may include posting such notice on the University's and athletic program websites, publishing the

notice on the University social media sites and newsletters, and other common means of communicating to the University community.

Reporting Step 1: Within 30 days of the adoption of any new or revised procedures developed under this agreement, the University will provide OCR with a copy of its proposed notice. OCR will review and will provide feedback on the notice.

Reporting Step 2: Within 14 days after receiving OCR's feedback, the University will incorporate OCR's feedback and provide OCR with a revised notice for approval. OCR and the University will continue this process until OCR approves the notice.

Reporting Step 3: Within 30 days of receiving OCR's approval of the notice, the University will provide OCR a copy of the final notice and a description of how and where the notice was disseminated.

C. Training

The University will provide training to all University employees who are directly responsible for implementing any new or revised procedures developed under this agreement. In the event new or revised procedures are not developed under this agreement, the University will provide "refresher" training to all University employees who are directly responsible for implementing the procedures which were at issue in this complaint.

Reporting Step 1: Within 90 days after OCR's approval of the action plan, the University will submit a report about its training actions. The report will include a copy of the training materials; the date(s) of the training; a summary of the training and qualifications of the presenter(s); and a list of the employees who attended the training, by name, position title, and role in implementing the procedures.

D. Individual Remedy

The University will provide a letter to the Complainant, which will include an explanation of: (a) its commitment to resolve complaints of disability discrimination, including complaints regarding inaccessible facilities, in a prompt and equitable manner in accordance with Section 504 and Title II; (b) pursuant to this agreement, the University's planned steps to conduct a self-evaluation and review of its complaint procedures, and the approximate timeframe that the University will provide the Complainant a summary of its self-evaluation and any revised procedures; and (c) the University employee

who has been designated as the contact person for the Complainant, and who will be responsible for timely addressing any questions or concerns about the existence and location of accessible services and facilities at MacKay Stadium, from the Complainant.

Reporting Step 1: Within 60 days of execution of this agreement, the University will provide OCR with a copy of its proposed letter. OCR will review and provide feedback on the letter.

Reporting Step 2: Within 14 days after receiving OCR's feedback, the University will incorporate the feedback and provide OCR with a copy of the revised letter for approval. OCR and the University will continue this process until OCR approves the letter.

Reporting Step 3: Within 30 days of receiving OCR's approval of the letter, the University will provide OCR a copy of the final letter provided to the Complainant.

Reporting Step 4: The University will copy OCR on its correspondence to the Complainant regarding its self-evaluation and revised procedures.

III. GENERAL PROVISIONS

- A. By signing this agreement, 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 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, at 34 C.F.R. § 104.7(b) and 28 C.F.R. § 35.107(b), respectively, which were at issue in this complaint. OCR will provide reasonable notice to the University before interviewing any employees/staff of the University.
- B. The University understands that the monitoring period of the agreement will extend for two years, or until such later time that 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, at 34 C.F.R. § 104.7(b) and 28 C.F.R. § 35.107(b), respectively, which were at issue in this complaint.

- C. 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) days to cure the alleged breach.

Signed:

/s/

Dr. Marc Johnson
President
University of Nevada, Reno

October 12, 2017

Date