

VOLUNTARY RESOLUTION AGREEMENT

The Board of Regents of the Nevada System of Higher Education on behalf of Nevada State College (College) enters into this agreement (Agreement) to resolve an allegation in a complaint (OCR Reference No. 10192123) 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 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. By signing the Agreement, the College does not admit any liability or wrongdoing with respect to the requirements of Section 504, Title II, or any other law.

I. TRAINING

- A. The College will conduct training for the professor of XXXXXXXX, who taught the student that was the subject of this complaint (Student A), on the requirements of Section 504 and Title II regarding the provision of academic adjustments and auxiliary aids to postsecondary education students, and on the requirement that no qualified student with a disability shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination with respect to a postsecondary institution's program or activity. The College will conduct the training prior to the Biology Professor teaching further classes.

Reporting Provision:

- B. By December 20, 2019, the College will submit a draft training plan to OCR for its review and approval. The training plan will include, at a minimum, proposed time(s) and date(s) for the training, a detailed description or lesson plan for the training, any handouts or presentation slides proposed for the training, and the name and qualifications of the trainer(s). If OCR requires changes to the training plan, the College will re-submit the training plan within 30 calendar days of receiving notice of the required changes. The College and OCR will continue this process until OCR approves the training.
- C. Within 30 calendar days of receiving OCR's approval of the training, the College will provide OCR with documentation establishing that it conducted the training consistent with the approved training plan.

II. INDIVIDUAL STUDENT

- A. The College will send a letter to Student A indicating that it is requiring the XXXXXXXX Professor to attend training on the requirements of Section 504 and Title II, and offering Student A the opportunity to re-take, in or before the spring 2021 academic term, the class she took with the XXXXXXXX, with a different professor at no additional cost. The letter will provide Student A 30 days to accept the College's offer. The letter will also inform Student A that the College will change the original grade she received in XXXXXXXX for the spring 2019 academic term to a "W" (withdrawn), which will remain on her academic record.
- B. If Student A accepts the College's offer to take XXXXXXXXXX again at no cost, the College will allow Student A to do so at the earliest mutually practicable opportunity.

Reporting Provisions:

- C. By December 27, 2019, the College will submit to OCR the draft letter described in section II.A for OCR's review and approval. If OCR requires changes to the draft letter, the College will re-submit the letter within 30 calendar days of receiving notice of the required changes. The College and OCR will continue this process until OCR approves the letter.
- D. Within 30 days of receiving OCR's approval of the letter, the College will provide documentation establishing that it sent the letter to Student A by first class mail.
- E. Within 90 days of receiving OCR's approval of the letter, the College will provide OCR a report setting forth whether Student A accepted the College's offer and when Student A took/will take XXXXXXXXX again. The report will also include documentation establishing that the College has changed the grade Student A received in XXXXXXXX for the spring 2019 academic term to a "W".

III. GENERAL MONITORING PRINCIPLES

- A. The College understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this agreement. Upon the College's satisfaction of the commitments made under this agreement, OCR will close this case.
- B. The College 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 under 34 C.F.R. §§ 100.9 and 100.10, or judicial proceedings, including to enforce this agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

12/18/19

Bart Patterson
President
Nevada State College

Date