

RESOLUTION AGREEMENT
University of Virginia
OCR Case No. 11-17-2031

In order to voluntarily resolve the allegation raised in U.S. Department of Education, Office for Civil Rights (OCR) Case No. 11-17-2031 pursuant to Section 302 of OCR's Case Processing Manual, the University of Virginia (the University), pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, agrees to fully implement this Resolution Agreement (Agreement).

This Agreement is being reached prior to any findings by OCR and does not constitute an admission by the University that it has violated Section 504 or the ADA, or any other law or right of individuals with disabilities.

Action Item A

By July 1, 2017, the University will develop a written protocol to ensure that its communications with individuals with qualifying disabilities, including individuals who are deaf or hard of hearing, who attend public services, programs, and activities, including public portions of the University's Board of Visitors (BOV) meetings, are as effective as communications with individuals without disabilities. The protocol will establish that, in response to a timely request, the University will provide appropriate auxiliary aids and services where necessary to provide effective communication so that qualified individuals with disabilities have an equal opportunity to participate in, and enjoy the benefits of, the services, programs, and activities of the University, in particular the public portions of its BOV meetings. The protocol will establish that the ADA Coordinator or his designee will give primary consideration to the auxiliary aid or service requested by the qualified individual with a disability when determining the appropriate accommodation. In instances where the requested auxiliary aid or service would result in a fundamental alteration or an undue burden of a service, program, or activity, the protocol will establish that the University will determine an alternate auxiliary aid or service that provides effective communication. In making such determination, the University will consider the timeliness, accuracy, and appropriateness of the alternative auxiliary aid or service.

Reporting Requirements:

- a. By July 1, 2017, the University will submit a draft protocol to ensure effective communication in accord with Action Item A for OCR's review and approval.
- b. Within seven (7) business days after receiving approval from OCR, the University will distribute the protocol to the following staff: the Office for Equal Opportunity and Civil Rights, including the University's ADA Coordinator; the University's FOIA Officer; and the Secretary for the BOV.

- c. Within seven (7) business days after receiving approval from OCR, the University will publish the protocol on its webpage for accommodation information located at <http://eocr.virginia.edu/ada-coordinator>.

Action Item B

The University's ADA Coordinator will send a letter to XXXX indicating that he is responding to XXXX request to provide "CART henceforth" as well as written transcriptions to XXXX with respect to BOV public meetings. The letter will include the following:

1. Notification that, as of November 2016, the University no longer live-streams its BOV meetings. As such, there is no audio or video to caption or transcribe for any meetings occurring after that point.
2. All minutes from public BOV sessions from September 2016 through the date of the letter for meetings where no live-streaming occurred.
3. An explanation of the University's process for evaluating requests from individuals with disabilities who wish to attend the public portions of the BOV meetings, consistent with Action Item A above.
4. A request for clarification of the broad request for "CART henceforth," including specifically, the name of each XXXX wishing to attend upcoming BOV meetings for the 2017-2018 academic year; and, for each qualified individual with a disability, a request that XXXX provide the following information: name, contact information; disability; preferred auxiliary aid or service; and the date of the BOV meeting the individual plans to attend.
5. Notification that the ADA Coordinator will engage in an interactive process with each identified XXXX with a disability seeking to attend a BOV meeting and to request a reasonable accommodation to effectively participate.
6. A request that XXXX respond to the University's letter with the requested information within thirty (30) calendar days of receipt; and where there is a request for attendance at a specific BOV meeting, that such request must be submitted at least seven (7) business days in advance of the meeting to allow sufficient time for the ADA Coordinator to engage in the interactive process and make necessary arrangements.
7. Notice of contact information for the ADA Coordinator.

Reporting Requirements:

- a. By May 26, 2017, the University will submit the proposed letter to XXXX to OCR for review and approval.
- b. Within seven (7) business days after receiving OCR's approval of the letter, the University will send the letter to XXXX and provide documentation to OCR that the letter has been sent.
- c. By August 31, 2017, the University will provide OCR with any response received from XXXX to the University's letter issued pursuant to Action Item B, as well as documentation showing how each specific, individual request was evaluated by the

University’s ADA Coordinator consistent with ADA and Section 504 requirements and the principles articulated in Action Item A above. If no response is received during the time period given to XXXX, OCR will consider this provision to be implemented.

The University understands that 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 regulations implementing Title II and Section 504, at 28 C.F.R. Part 35 and 34 C.F.R. Part 104, respectively.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner, and OCR agrees to provide its responses in a timely manner to the University’s monitoring reports. Further, the University understands that during the monitoring of this Agreement, OCR may visit the University, interview relevant staff, 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. Part 104 and 28 C.F.R. Part 35, as they relate to this complaint allegation.

The University, without waiving its right to challenge OCR’s authority to do so, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/s/_____
Dr. Teresa A. Sullivan
President or Designee
University of Virginia

Date: _____5/16/2017_____