

**Kent State University
Resolution Agreement
OCR Docket #15-18-2022**

Kent State University (the University) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint alleging violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The University's acceptance of the terms of this agreement does not constitute an admission of the violation of any federal or state laws.

The University agrees to take the following actions:

1. By February 28, 2020, the University will notify the Complainant in this case, in writing, of the availability of an assistive listening system at the University's Ludwig Recital Hall (Ludwig Hall), located at 1325 Theater Drive, Kent, Ohio. The letter should explain how the assistive listening system is available at Ludwig Hall and can be requested and used by an individual. The letter should also explain how the University will ensure that individuals who are hard of hearing will have equal opportunities to benefit from performances, events, and presentations provided at Ludwig Hall.

REPORTING REQUIREMENT: By February 28, 2020, the University will submit documentation to OCR demonstrating University's implementation of Item 1 of the Agreement. The documentation should include a copy of the written notice the University sent to the Complainant.

2. By May 1, 2020, the University will ensure a sign is posted at the box office in Ludwig Hall informing patrons of the availability of an assistive listening system and ensure its provision of such system at Ludwig Hall, in compliance with Sections 216.10, 219, and 706 of the 2010 ADA Standards.

REPORTING REQUIREMENT: By May 31, 2020, the University will submit a written report to OCR demonstrating the University's implementation of Item 2 of the Agreement. The University's report should include photographs, work orders, purchase orders, or other documentation showing the University's actions. OCR may conduct an onsite visit of Ludwig Hall to confirm full implementation of Item 2 of the Agreement.

3. By June 1, 2020, the University will provide training to all relevant staff to ensure the members of the public can readily access and use the assistive listening system at Ludwig Hall. The University will also provide notice to all University departments and/or employees at the University who may possibly hold events at the Hall, to advise the availability of the assistive listening system at Ludwig Hall and explain how to use the system.

REPORTING REQUIREMENT: By June 30, 2020, the University will submit documentation to OCR demonstrating the University's implementation of Item 3 of the Agreement. The University's documentation should include the date(s) of the training(s); copies of the training agenda; any presentation(s) and handout materials used for the training(s); the name(s) and qualifications of the trainer(s); a list of the name and job positions of attendees at the training(s); a sign-in sheet with the names and job positions of attendees at the training(s); a copy of any e-mail(s) and/or notice sent out to the University's departments and/or individuals; a web links and a copy of any printed publication(s) related to the availability of the assistive listening system at Ludwig Hall; and other documentation showing the University's actions related to Item 3 of the Agreement.

4. By May 1, 2020, the University will develop, and submit to OCR for review and approval, policies and procedures ensuring that: persons who are hard of hearing have equal opportunities to benefit from performances, events, and presentations provided by the University, as required by the Section 504 and Title II implementing regulations at 34 C.F.R. § 104.4(b)(1)(ii) and 28 C.F.R. § 35.130(b)(1)(ii); interested persons, including persons who are hard of hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, as required by the Title II's implementing regulation at 28 C.F.R. § 35.163(a); communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others, as required by the Title II's implementing regulation at 28 C.F.R. § 35.160(a); and the University will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of the University, as required by the Title II's implementing regulation at 28 C.F.R. § 35.160(b). Such policies and procedures shall, at minimum, provide:
 - a. a statement of the University's duty to comply with Section 504 and Title II;
 - b. the University's steps to ensure that interested persons, including persons who are hard of hearing, can obtain information as to the existence and location of accessible services, activities and facilities, and that interested persons can timely inquire about or request the use of an appropriate auxiliary aid or service for an event provided by the University;
 - c. the language and contact information that will be used in the University's notice (the Notice), which is to be included in University publications, websites, announcements, and invitations, regarding upcoming events for use by persons who wish to inquire about or request the use of an appropriate auxiliary aid or service for an event provided by the University;

- d. a statement of the University's duty to include the Notice in future University publications, websites, announcements, and invitations, regarding upcoming events provided by the University; and
 - e. a statement of the University's duty to timely and appropriately train all University staff (including volunteers and student assistants) who interact with others regarding upcoming events, on the policies and procedures, identifying the department or University staff (name(s) and title(s)) at the University that is responsible for executing the University's duty to train.
5. Within 90 calendar days of the University's receipt of the OCR-approved policies and procedures, the University will adopt and implement the policies and procedures, including a training provided to all University staff (including volunteers and student assistants) who interact with others regarding upcoming events, on the policies and procedures. Staff training will consist of a review of the policies and procedures and information regarding the importance of providing effective communication with individuals with disabilities.

REPORTING REQUIREMENTS: By May 1, 2020, the University will submit to OCR the draft policies and procedures described in Item 4 for review and approval. Within 120 calendar days of the University's receipt of the OCR-approved policies and procedures, the University will provide documentation to OCR verifying its implementation of Item 5. Such documentation should include: 1) a copy of the published policies and procedures; 2) a description of how the University disseminated the policies and procedures and who at the University received copies of the policies and procedures; and 3) the name(s) and credentials of the individual(s) who conducted the training, a list of individuals, by name and title, who attended the training, and a copy of any training materials (e.g., pamphlets, presentation materials).

General Requirements

The University understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the University understands that during the monitoring of this Agreement, if necessary, 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 and obligations of the Agreement. Upon the University's satisfaction of the commitments made under the Agreement, OCR will close the case.

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the University's representative below.

/s/

Kent State University
President or Designee

1-21-2020

Date