

Resolution Agreement
Bowling Green State University
OCR Docket No. 15-14-2016

The Bowling Green State University (the University) voluntarily submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, as amended by the ADA Amendments Act of 2008 (ADAAA). This Agreement is being voluntarily submitted by the University under Section 302 of OCR's Case Processing Manual and before the completion of OCR's investigation and any issuance of findings and does not constitute an admission that the University is not in compliance; accordingly, the University agrees to take the following actions:

1. By September 3, 2014, the University will develop, and submit to OCR for review and approval, policies and procedures that ensure that persons with hearing impairments have equal opportunities to benefit from performances and presentations overseen by the University's theater department (the Department) by ensuring that interested persons, including persons with impaired hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, as required by the Title II regulation at 28 C.F.R. Section 35.163(a), and that 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 regulation at 28 C.F.R. Section 35.160. Such policies and procedures shall, at a minimum, include:
 - a. a statement of the University's duty to comply with Section 504 and Title II;
 - b. the language and contact information that will be used in the Department's notice of assistive technology and supports (the Notice), which is to be included on Department publications, websites, and announcements regarding upcoming events for use by individuals who wish to inquire about or request the use of an appropriate auxiliary aid or service for a Department event;
 - c. a statement of the University's duty to include the Notice in future Department publications, websites, and announcements regarding upcoming events; and
 - d. a statement of the University's duty to train, within 21 calendar days of their initial appearance, all Department staff (including volunteers and student assistants) who interact with others regarding upcoming events, on its policies and procedures for providing assistive technology and supports.
2. Within 60 calendar days of the University's receipt of the OCR-approved policies and procedures, the University will adopt the policies and procedures and train members of the Department staff (including volunteers and student assistants) who interact with others regarding upcoming events, on the policies and procedures for providing assistive technology and supports. Staff training will consist of a review of the

policies and procedures and the providing of information regarding the importance of providing effective communication with individuals with disabilities.

Reporting Requirements: By September 3, 2014, the University will submit to OCR the policies and procedures described in item 1 for review and approval. Within 45 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 2, including a copy of the published policies and procedures, copies of any papers used or distributed during the required training, and a sworn statement of the person who oversaw the training, which shall include the name of the trainer, the qualifications of the trainer, the topics covered during the training, the date(s) of the training, the names of the persons trained, the names of any persons not yet trained, and the University's plans to train any not-yet trained persons.

General Requirements

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 Section 504 and its implementing regulation at 34 C.F.R. §104.4(b)(1)(ii), as well as Title II and its implementing regulation at 28 C.F.R. § 35.130(b)(1)(ii), which were all at issue in this complaint investigation.

The University understands that by signing this agreement it agrees to provide 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 Section 504 and its implementing regulation at 34 C.F.R. §104.4(b)(1)(ii), as well as Title II and its implementing regulation at 28 C.F.R. § 35.130(b)(1)(ii), which were all at issue in this complaint investigation.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/
University president or designee

Date