

**RESOLUTION AGREEMENT**  
**George Mason University**  
**OCR Case No. 11-16-2083**

George Mason University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-2083. This Agreement does not constitute an admission by the University of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Disability Services

1. By October 15, 2016, the University will develop a written protocol for implementation of “flexibility in attendance” as an academic adjustment for students with disabilities. The protocol will establish that faculty are responsible for providing the “flexibility in attendance” provision if such provision is approved by Disability Services. In instances where attendance may be considered an essential requirement of a course that cannot be modified, the protocol will establish that, in making such determination, the University will consider, among other factors, that decisions regarding essential requirements be made by a group of people who are trained, knowledgeable and experienced in the area, through a careful, thoughtful and rational review of the academic program and its requirements, and that the decision-makers consider a series of alternatives for the essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability.

Reporting Requirements:

- a. By October 15, 2016, the University will submit a draft protocol for implementation of the flexible attendance provision in accordance with Item 1 for OCR’s review and approval.
- b. Within 7 days after receiving approval from OCR, the University will distribute the protocol to students with disabilities who have “flexibility with attendance” listed on their Faculty Contact Sheet as an approved academic adjustment. Within 14 days after receiving approval from OCR, the amended process will be distributed to appropriate faculty. The University will submit to OCR documentation that the protocol has been distributed, including a list of the students who received the protocol. The University will also verify that the procedures were distributed to appropriate faculty. Thereafter, the University will distribute the protocol to a student with a disability whenever the student has “flexibility with attendance” listed anew on a Faculty Contact Sheet as an approved academic adjustment and will distribute “flexibility with attendance” process to appropriate faculty.
- c. By January 31, 2017, the University will submit to OCR documentation of how it implemented “flexibility in attendance” as an academic adjustment during the Fall 2016 semester, including distribution of the protocol to additional students and faculty, any determinations as to whether attendance was or was not an essential requirement of a

course, and any resolutions of complaints about the University's implementation of "flexibility in attendance" as an academic adjustment for a student with a disability.

2. By October 15, 2016, the University will revise its Faculty Contact Sheet to remove any reference that "absences cannot interfere with fundamental outcomes of the course" and clarify the following:
  - Faculty are responsible for providing approved academic adjustments and/or auxiliary aids and services for a student with a disability; and
  - Faculty must communicate with Disability Services regarding any questions about implementation of approved academic adjustments and/or auxiliary aids and services.

Reporting Requirements:

- a. By October 15, 2016, the University will submit a draft revised Faculty Contact Sheet in accordance with Item 2 for OCR's review and approval.
  - b. The University will implement the revised Faculty Contact Sheet within 15 days after receiving approval from OCR.
3. The University will disseminate printed information to appropriate faculty, update on-line information, and provide training for the Department of Psychology regarding the University's obligation under Section 504 and Title II to ensure that students with disabilities are provided their approved academic adjustments and/or auxiliary aids and services. The information and training will specify that faculty and staff are responsible for providing academic adjustments and/or auxiliary aids and services for a student with a disability as designated on the Faculty Contact Sheet from the University's Disability Services and also will review the written protocol for implementation of "flexibility in attendance" as an academic adjustment. Thereafter, the University will provide the specified printed information on an annual basis.

Reporting Requirements:

- a. By October 15, 2016, the University will submit for OCR's review and approval a draft plan for dissemination of the printed information and implementation of the training developed in accordance with Item 3, including drafts of the printed information and training materials, tentative training dates, and name and qualifications of the trainer(s).
- b. After OCR's approval of the plan, the University will disseminate the printed information and schedule the training. Within 15 calendar days of information dissemination, the University will provide OCR documentation of the printed information and methods of dissemination. Within 15 calendar days of each training session, the University will provide OCR a list of faculty and staff participants and a copy of the sign-in sheets from each training session.

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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

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 the regulation implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case.

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.

| By: \_\_\_\_\_ /S/ \_\_\_\_\_ Date: \_\_\_\_\_  
          9/30/16  
Dr. Ángel Cabrera, President or designee