

**Resolution Agreement
Finlandia University
OCR Docket No. 15-14-2014**

Finlandia University (the University) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to 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; accordingly, the University agrees to take the following actions:

I. University-wide Remedies

A. By July 18, 2014, the University will remove or modify the following language from its website at: http://www.finlandia.edu/disability-student-services.html?searched=disability&advsearch=oneword&highlight=ajaxSearch_highlight+ajaxSearch_highlight1:

1. to ensure that students with disabilities other than a learning disability or ADD/ADHD are not discouraged from applying to or attending the University:

Who we serve:

Finlandia University is an ideal setting for students diagnosed with a Learning Disability and/or ADD/ADHD. Our small classroom settings and personal attention provide students with the level of support they need. Although we do serve students on campus with other disabilities, it is recommended that the student and their family have extensive conversations with the DSS staff to determine if Finlandia University can meet the individual's needs.

2. to delete the term "reasonable" from "reasonable accommodations" and "reasonable exam accommodations" in the following passage. The University also agrees to change this language on page 14 of its University Catalog, available at: <http://www.finlandia.edu/assets/files/Registrar/Campus%20Catalog%202013-14.pdf>:

The Program Director

DSS staff members include the Program Director who oversees all facets of the DSS services and staff, and provides academic advising to DSS participants. The Director assists students in arranging reasonable accommodations and completing the paper work required to receive those accommodations, provides assistive technology, when available, and helps to arrange reasonable exam accommodations.

The relevant standard, found in 34 C.F.R. § 104.44, is that the University shall make such modifications to its academic requirements as are necessary to ensure that such

requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. The regulation does not require the University to waive or lessen any academic requirements that the University can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement.

B. By July 18, 2014, the University also agrees to delete the following from its disability services policies and procedures webpage, currently available at <http://www.finlandia.edu/dss-policies-and-procedures.html>:

1. to ensure that students with disabilities who require assistive technology to participate in the University's program are not discouraged from applying to or attending the University. The University also agrees to remove the word "limited" from page 14 of its description of available assistive technology in its University Catalog, available at: <http://www.finlandia.edu/assets/files/Registrar/Campus%20Catalog%202013-14.pdf>:

Assistive Technology

DSS has very limited access to assistive technology. Currently we can offer the following:

Text books on CD through Reading for the Blind and Dyslexic (the tutoring center has one computer that can play the CD's, DSS does not supply the software for personal use)

Kurzweil text reader is available in the Maki Library

2. to ensure that students understand that they are not required to identify themselves as a student with a disability to a classmate for the purpose of securing notes:

Accommodations

...

- Shared Notes: If you qualify for a note taker we will find someone in your class who takes good notes and make copies of the notes for the class. We encourage you to try to do this yourself but we can help you if you need us to set it up.

3. to ensure that an individual with a disability such as blindness is not required to provide documentation of the disability from within the past three years:

Paperwork

In order to receive assistance from Disability Student Services, you must supply appropriate paperwork to the office. This policy is not negotiable, as we are required by law to have verification of the diagnosis that qualifies you to receive services.

All documentation must be current (within the past three years).

4. to ensure that students with disabilities are provided with the academic adjustments that they require because of their disability and are not limited by arbitrary rules:

Other Accommodations

- Extended Time on Assignments: The student is entitled to extended time up to one week if necessary.

- C. By July 18, 2014, the University will draft a Section 504 grievance procedure that incorporates appropriate due process standards and that provides for the prompt and equitable resolution of complaints alleging any action prohibited under Section 504. The revised/replacement grievance procedure will include, at a minimum:
 1. Notice to students and employees of the procedure, including specifically where complaints may be filed.
 2. Application of the procedure to complaints alleging discrimination carried out by employees, other students, or third parties.
 3. Adequate, reliable, and impartial investigation of complaints, including the opportunity to identify witnesses and other evidence.
 4. Designated and reasonably prompt timeframes for the major stages of the complaint process.
 5. Notice to the parties of the outcome of the complaint.
 6. An assurance that the University will take steps to prevent recurrence of any disability discrimination found to have occurred, and to correct any discriminatory effects on the grievant and others, if appropriate.
 7. Notice that there will be situations in which it would never be appropriate to have the parties confront one another in the resolution process (e.g., an alleged student harassment victim and employee harasser).
- D. By July 18, 2014, the University will identify all its policies, procedures, handbooks, website statements, and other documents related to the policies and procedures described above and revise them as necessary to ensure consistency with the new policies and procedures as described above, and with Section 504 and its implementing regulation. The University will submit the revised policies, procedures, handbooks, website statements, and other documents identified and revised to OCR for review and approval by this date.
- E. Within 90 calendar days after receipt of the OCR-approved new policies and procedures and the grievance procedure pursuant to Items A, B, C and D above, the University will adopt and implement the new policies and procedures and grievance procedure and take

steps to eliminate confusion for students and employees. The University will also provide notice to all students, faculty, and staff of the new policies and procedures and the grievance procedure, provide them to students as an insert for the existing University Catalog and explain how other individuals may obtain a hard copy; publish the new policies and procedures and the grievance procedure on its website and in all applicable electronic documents; publish the new policies and procedures and the grievance procedure in future printings of the University Catalog and the new grievance procedure in future printings of any employee handbooks; and implement a method of training faculty and relevant staff in the University's procedures for providing academic adjustments to students with disabilities and addressing disability discrimination grievances as revised in accordance with Items A, B, C and D above. The person providing the training must be a competent authority on Section 504. Training may be accomplished through already established faculty and/or staff meetings or by an alternative means determined by the University that will provide effective access to the information to be disseminated.

Reporting Requirements: By July 18, 2014, the University will provide OCR with the proposed draft policies and procedures, any other documents revised for consistency, and the proposed draft Section 504 grievance procedure pursuant to Items A, B, C and D above for review and approval. Within 90 calendar days after receiving the OCR-approved policies and procedures and the grievance procedure, the University will, in accordance with Item E above, submit to OCR a copy of any resolution adopting the new policies and procedures and the grievance procedure, as well as a certification that it has reviewed all of its existing policies and procedures that address Section 504 to ensure they are consistent with the revised policies and procedures and grievance procedure and has taken steps that eliminate confusion for students, faculty, and staff. Also, in accordance with Item E above, the University will provide a copy of the notice sent to students, faculty, and staff; a copy of the revised cross-reference page(s) from each applicable University publication; the link to the revised documents on the University's website; the date(s), time(s), and location(s) when the University's training was held; the name, title, and qualifications of the person providing the training; a copy of the sign-in sheet for attendees that lists the name and title of each attendee; a copy of the training agenda; and a copy of any training materials distributed during the training.

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. § 104.44, which were at issue in this case.

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 this 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 of this

agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.44.

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/

05/23/14

President of University or Authorized Designee

Date