

**Resolution Agreement
Oakland University
OCR Docket No. 15-15-2042**

Oakland 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 the University's compliance with 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The University agrees to take the following action steps:

1. The University will provide training by an individual knowledgeable about the requirements of Section 504 and Title II at the postsecondary level to Disability Student Services (DSS) staff regarding how to make an individualized determination regarding a student's disability-related need for a reduced-distraction environment during tests and quizzes, both when there is an associated requirement for extra time and when there is not; how to engage in an interactive discussion with the student to clarify the functional effects of the student's disability in relation to the barriers posed to his or her participation in individual courses, programs, or activities; and the nature and effectiveness of possible services in order to determine appropriate academic adjustments.

For example, the University will examine factors such as:

- the location where testing will occur (what room/type of room and what sources of noise/distraction exist in that environment, such as machine-created or other noise in and around that location and the effect of students in the room completing an exam at different times than the student);
- when the testing will occur (an acceptable timeframe; this will be affected if the student also requires extended time);
- whether there will be a limitation on the number of people in the testing room;
- what ancillary noises are likely to be generated if others are in the testing room;
- whether a professor or other staff member provides input/answers questions during the typical class testing situation and thus must do the same when persons with disabilities test elsewhere;
- whether strategies such as a student's use of ear plugs or noise-cancelling headphones or a particular seat location would meet the student's disability-related needs in an effective manner and provide a student with a disability with an equal opportunity to participate in and benefit from the testing program/activity; and
- whether the type of disability-related service is not only effective but also does not result in impermissible different treatment.

The training should include notice that determinations should be made based on a student's individual, disability-related needs and not for reasons relating to administrative convenience or University resources. The training will also include appropriate

documentation requirements--e.g., that the University is entitled to reasonable documentation and should not require more than is required of other students with different needs related to their disability, that the University may request that the student provide reasonable documentation prepared by a qualified professional of the existence of a current disability (a mental or physical impairment that substantially limits one or more major life activities), and information sufficient to assist the student and the University in identifying appropriate academic adjustments. Should the documentation submitted by a student be determined by the University to be inadequate, the University will notify the student in a timely manner why it believes the documentation is inadequate and what additional documentation is needed to support the existence of a disability and/or the requested services.

REPORTING REQUIREMENT: By August 21, 2015, the University will submit to OCR documentation to verify that the above-described training was provided, including but not limited to, any agendas, outlines, handouts, and sign-in sheets from the training(s) provided to the DSS staff along with information on who provided the training and their credentials.

2. Within seven days after DSS staff receive the above-described training, they will send a notice to every current student who has a reduced distraction environment listed as a service in a Faculty Notification Letter, that the student can come into DSS regarding this service, to discuss the specifics with a DSS staff person.

REPORTING REQUIREMENT: Within fourteen days after DSS staff receive the above-described training, the University will submit to OCR documentation to verify that the notice was provided to students, such as a copy of the notice that was sent to each student.

3. Pursuant to 34 C.F.R. § 104.44(a), the University agrees that it 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 and that it shall include this statement in any University documentation relating to services for students with disabilities, in which the University uses the phrase “reasonable accommodations.” For example, the University will modify:
 - a. Faculty Notification Letters; and
 - b. The University’s website, including but not limited to, at <http://wwwwp.oakland.edu/dss/>.

REPORTING REQUIREMENT: By July 24, 2015, the University will submit to OCR documentation to verify that the statement required by item 3 has been added in any documentation relating to services for students with disabilities referencing “reasonable accommodations,” including but not limited to a sample Faculty Notification Letter and a link to <http://wwwwp.oakland.edu/dss/>.

4. The University will remove the requirement that students making an appointment with DSS make the appointment a minimum of six weeks before services are required. For

example, on its website, at <http://wwwp.oakland.edu/dss/> under “Receiving Accommodations”, number 1 states: “Make an appointment with the Office of Disability Support Services a minimum of six weeks before services are required.” The University will modify this statement to say that an appointment should be made as soon as possible, ideally a minimum of six weeks before services are required. This modification should be made wherever this statement is made.

REPORTING REQUIREMENT: By July 24, 2015, the University will submit to OCR documentation to verify that the requirement that students making an appointment with DSS make the appointment a minimum of six weeks before services are required has been removed, including but not limited to a link to <http://wwwp.oakland.edu/dss/>.

GENERAL REQUIREMENTS

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 at 34 C.F.R. §§ 104.44(a) and 104.44(b)(1)(iv), as well as the regulation implementing Title II at 28 C.F.R. §§ 35.130(b)(7) and 35.130(b)(1)(iv), which were at issue in this investigation.

The University understands that OCR will not close the monitoring of the Agreement until OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. §§ 104.44(a) and 104.44(b)(1)(iv), as well as the regulation implementing Title II at 28 C.F.R. §§ 35.130(b)(7) and 35.130(b)(1)(iv).

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/

06/26/2015

Oakland University
President or authorized designee

Date