

RESOLUTION AGREEMENT
Bridgewater State University
OCR Complaint No. 01-15-2166

Bridgewater State University (University) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. The University assures that it will take the following actions and will meet its obligation to comply with the requirements 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.

Action Item 1:

The University will ensure it has a procedure (Procedure) for providing an individualized assessment of the needs of each student seeking to return to campus housing after being transported to a hospital for an emergency mental health evaluation (Post-Evaluation Students).

Reporting Requirements:

- i. By February 1, 2018, the University will submit to OCR for its review and approval a proposed Procedure. Among other features, the Procedure shall require that all Post-Evaluation Students be provided Notice of the Appeal Process, as those terms are used in this Agreement, and will explain how that Notice will be provided.
- ii. Within 15 days of OCR's approval of the Procedure, the University will submit to OCR documentation demonstrating that a copy of the approved Procedure was provided to all persons responsible for its implementation.

Action Item 2:

The University will create a prompt and equitable appeal process (Appeal Process), which incorporates appropriate due process standards, for Post-Evaluation Students to challenge any aspect of the individualized assessment, including any consequences imposed, made pursuant to the Procedure.

Reporting Requirement:

- i. By February 1, 2018, the University will submit to OCR for its review and approval a proposed Appeal Process.
- ii. Within 15 days of OCR's approval of the Appeal Process, the University will submit to OCR documentation demonstrating that a copy of the approved Appeal Process was provided to all persons responsible for its implementation.

Action Item 3:

The University will ensure that all Post-Evaluation Students are given notice of the Appeal Process (Notice).

Reporting Requirement:

- i. Within 15 days of OCR's approval of the Appeal Process, the University will submit to OCR for its review and approval a copy of the Notice.
- ii. Within 15 days of OCR's approval of the Notice, the University will provide documentation sufficient to confirm that all then-existing Post-Evaluation Students have been provided a copy of the Notice.

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, if necessary, OCR may visit the University to 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 regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

The University understands that OCR will not close the monitoring of the Agreement until such time that OCR determines the University has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

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

By: _____/s/_____ Date: 2/9/18
Frederick W. Clark, Jr., Esq.
President