

## **RESOLUTION AGREEMENT**

### **Simmons College OCR No. 01-16-2113**

The U. S. Department of Education, Office for Civil Rights (OCR) and Simmons College (College) enter into this agreement to resolve the allegation of discrimination on the basis of disability contained in complaint number 01-16-2113 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The College assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

#### **Action Item 1**

By August 15, 2017, the College will create a policy consistent with 34 C.F.R. § 104.44 to ensure that the needs of students are assessed on an individual basis, and that the College does not maintain a blanket prohibition on extensions on papers and projects as an accommodation. The College will also ensure that the employees of its Disability Services Office are adequately trained regarding the new policy.

#### **Reporting Requirements**

- a. By August 15, 2017, the College will submit its new or revised policy to OCR for OCR's review and approval.
- b. Within 30 days of OCR's approval of the new or revised policy the College will circulate the policy to all students currently registered with the Disability Services Office and to all College personnel, and make the policy publicly available on its website.
- c. Within 14 days of said circulation, the College will provide OCR with proof of its compliance with Action Item 1, Reporting Requirement b.
- d. Within 45 days of OCR's approval of the new or revised policy, the College will provide documentation to OCR sufficient to show that the employees of its Disability Services Office have been adequately trained regarding the new policy.

#### **Action Item 2 – Individual Remedies**

By September 30, 2017, the College will provide remedies to the individual student. Specifically, the College will remove from her transcript the two courses for which she had lower grades because she was not provided an extension for papers and projects (i.e. SWO 401 and SWO 421A) and refund the Student's tuition for those courses. In order to accomplish Action Item 2, the College has agreed to return to the U.S. Department of Education the Federal Student Aid received by the individual student to pay for the two courses in question. This will

necessarily require a recalculation of the individual student’s total aid package for the financial aid year in question, pursuant to Federal Student Aid requirements, and this recalculation may leave an outstanding balance owed to the College, which would be less than the amounts refunded. In that instance, the College will provide an accounting to the individual student showing the refunded amount along with an invoice for any unpaid balance.

**Reporting Requirements**

- a. By September 30, 2017, the College will submit to OCR proof of its compliance with Action Item 2.

The College understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the College understands that during the monitoring of this Agreement, if necessary, OCR may visit the College, 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. §104.21. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The College 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 (see 34 C.F.R. §§ 100.9, 100.10, which are incorporated into the Section 504 regulation at 34 C.F.R. §104.61), or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University’s representative below.

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Date

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[Authorized Official]  
Simmons College