

RESOLUTION AGREEMENT
University of Massachusetts Boston
Case No. 01-16-2120

The University of Massachusetts Boston (University) submits this Resolution Agreement (Agreement) to the U.S. Department of Education's Office for Civil Rights (OCR) for the purpose of resolving the above-referenced complaint alleging violations of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. Accordingly, the University agrees to take the following actions:

Action Item 1

The University will revise relevant documents and policies and related web pages to specifically describe the process to be followed in approving and implementing accommodations relating to deadline extensions and attendance, and to clarify the roles of instructors, students, and the Ross Center in determining and implementing such accommodations.

Specifically, the University will include the following information on documents describing accommodations relating to deadline extensions and attendance, including its Accommodations & Services and FAQ webpages:

1. The specific steps that a student will take in requesting accommodations. Such information will be consistent throughout the documents describing accommodations.
2. Specific to episodic use, a revised process to ensure specific frameworks will be established and that such arrangements will be reduced to writing, signed by both parties (student and faculty member), and filed with Disability Services (Ross Center).

The University will also include the following specific information on documents, policies, and webpages, including its Accommodations & Services and FAQ webpages, clarifying the roles of instructors, students, and the Ross Center:

3. A statement that the decision of whether or not to approve accommodations is made by the Ross Center. The Ross Center collaborates with students and their instructors to coordinate approved accommodations and services. Instructors may have input as to essential academic requirements and/or whether an accommodation would fundamentally alter the nature of the service, program, or activity.
4. A statement that instructors must provide accommodations approved by the Ross Center. If a student has concerns about the implementation of approved accommodations, he or she should contact the Ross Center immediately.
5. The procedure to be followed if an instructor objects to an approved accommodation or has concerns about the implementation of approved accommodations, including who to contact. Resolution of an objection to an approved accommodation must be reached as soon as possible to meet both the student and faculty member's interests.

While working toward such resolution, faculty members should provide the approved accommodation unless the Ross Center agrees that the accommodation is a fundamental alteration of the class objectives.

6. A statement that although students may volunteer details about their disability to faculty, faculty should never ask students to discuss or disclose their particular disability.

Reporting Requirement 1

By May 15, 2018, the University will submit its revised documents and/or proposed language for its documents, policies, and websites to OCR for review and approval.

Within 30 days of OCR's approval, the University will take the necessary steps to implement any revisions to documents, policies, and webpages describing the process for seeking accommodations related to deadline extensions and attendance to reflect adoption of the revised language. Specifically, the University will provide proof that it has:

1. Updated the above webpages on the University's webpage and in other appropriate media, including University student and faculty handbooks to reflect adoption of the revised language;
2. Circulated links and/or hard copies of these materials to all faculty and staff.

Action Item 2

The University will provide training for its faculty and staff on the legal obligations of the University under Section 504 and Title II, and shall specifically include:

1. Section 504's and Title II's prohibition against discrimination on the basis of disability.
2. The University's obligation to provide academic adjustments and aids to students with disabilities.
3. The University's procedures for students requesting academic adjustments and aids, including the revisions to the accommodations procedures above ensuring that the decisions whether or not to approve accommodations are made by the Ross Center.
4. The obligations of University faculty and staff to implement approved accommodations.
5. The procedure to be followed if an instructor objects to an approved accommodation or has concerns about the implementation of approved accommodations, including who to contact. Resolution of an objection to an approved accommodation must be reached as soon as possible to meet both the student and faculty member's interests. While working toward such resolution, faculty members should provide the approved accommodation unless the Ross Center agrees that the accommodation is a fundamental alteration of the class objectives.

6. Although students may volunteer details about their disability to faculty, faculty should never ask students to discuss or disclose their particular disability.

The training will be offered according to the following schedule:

1. By April 1, 2018, the University will provide training to all Ross Center staff.
2. By June 30, 2018, the University will provide training to all non-Ross Center administrators responsible for implementing student accommodations (testing center staff, Writing Proficiency staff, etc.)
3. All new faculty will be offered training by September 1, 2018, with existing faculty (including adjunct) offered online training by October 1, 2018.

Reporting Requirement 2

By May 15, 2018, the University will submit to OCR documentation demonstrating that the training was developed, offered, and delivered in accordance with this Agreement to all Ross Center staff. Documentation will include agendas, copies of all training materials, a list of attendees, and name(s) and credentials of any trainer(s).

By October 15, 2018, the University will submit to OCR documentation demonstrating that the training was developed, offered, and delivered in accordance with this Agreement to all non-unit administrators responsible for implementing student accommodations, new faculty, and existing faculty. Documentation will include agendas, copies of all training materials, a list of attendees, and name(s) and credentials of any trainer(s).

Action Item 3

The University will ensure that all faculty letters (i.e., the letters or emails sent to faculty and staff informing them of accommodations) shall include the following:

1. The decision of whether or not to provide approved accommodations is made by the Ross Center. The Ross Center collaborates with students and their faculty to coordinate approved accommodations and services. Faculty may have input as to essential academic requirements and/or whether an accommodation would fundamentally alter the nature of the service, program, or activity.
2. Instructors must provide accommodations approved by the Ross Center.
3. If a student has concerns about the implementation of approved accommodations, he or she should contact the Ross Center immediately. Faculty should contact the Ross Center about any concerns that may arise with regard to the provision of academic adjustments/auxiliary aids and services, including clarifying how approved accommodations should be implemented and concerns about whether approved accommodations are a fundamental alteration of an essential requirement of the course.
4. Although students may volunteer details about their disability to faculty, faculty should never ask students to discuss or disclose their particular disability.

5. A link to the procedures for the accommodation plans.

Reporting Requirement

By May 15, 2018, the University will submit to OCR the language to be included in accommodations letters consistent with Action Item 3.

The University 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 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. §104.21, and Title II implementing regulation at 28 C.F.R. §35.149. 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 statutes and regulations that were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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.

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

2/16/2018
DATE

/s/
Emily McDermott
Interim Provost and Vice Chancellor for
Academic Affairs