

Resolution Agreement

OCR Complaint Nos. 01-16-2045 and 01-16-2140
Southern Connecticut State University (University)

The University agrees to take the following steps to resolve the allegations in the above-referenced complaints, consistent with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1

By May 5, 2017, the University will offer the Complainant, in writing, an opportunity to promptly meet with appropriate University staff or administrators to discuss any additional adjustments or modifications regarding X–PORTION OF SENTENCE REDACTED–X.

If the Complainant agrees to meet, the University will document any requested adjustments or modifications X–PORTION OF SENTENCE REDACTED–X. The University will also document its response to these requests, as follows:

- If the University agrees to an adjustment or modification, then it will provide a written description of these adjustments or modifications to the Complainant, and will disseminate it as appropriate to faculty or staff in any affected courses in which the Complainant is enrolled.
- If the University denies an adjustment or modification, then it will provide a written statement to the Complainant explaining the reasons for the denial, and proposing alternative adjustments or modifications (if any). The written statement will also explain how the requested modifications would fundamentally alter the nature of the service, program, or activity. If no alternative adjustments or modifications are proposed, the written explanation will also describe why not (i.e., why any alternative would fundamentally alter the nature of the service, program, or activity) and/or how an academic requirement is essential to the course.

Reporting Requirement 1

By May 15, 2017, the University will provide OCR with the documentation listed above, including:

- A. The written invitation to the Complainant to discuss adjustments or modifications;
 - i. If the Complainant agrees to meet, the minutes of such meeting;
- B. Any written materials created in response to this meeting (e.g., letter agreeing to provide an adjustment or modification, and written notice to appropriate staff/faculty; and/or letter rejecting such adjustment or modification and/or proposing alternative(s)).

In addition, by May 15, 2017, the University will also provide OCR with the following information:

- C. If a meeting is held and accommodations are requested, a list of names/titles of persons involved in deciding whether to grant or deny any requested accommodation and/or alternative(s), above;
- D. Any materials relied upon in making the decision(s), above.

Action Item 2

By May 15, 2017, the University will make all reasonable efforts to X–PORTION OF SENTENCE REDACTED–X.

Reporting Requirement 2

By May 15, 2017, the University will provide documentation demonstrating that it has fulfilled the terms of this provision, including documentation X–PORTION OF SENTENCE REDACTED–X.

Action Item 3

By May 30, 2017, the University will revise its definition of “reasonable accommodations” in its Disability Resource Center (DRC) Student Policy Handbook to clarify which factors are relevant to assessing whether a requested modification or adjustment is “reasonable.”

The University has represented that it shall make the following statement to comport with this Item:

A reasonable accommodation is a modification or adjustment to a course, program, service, job activity, or facility that ensures an equal opportunity for qualified students with disabilities to participate in, and enjoy the benefits of, a service, program, or activity. Aids, benefits, or services need not produce equal results, but must afford an equal opportunity to achieve equal results. When necessary, DRC staff will consult with faculty regarding whether an accommodation would fundamentally alter the nature of the service, program or activity or whether an academic requirement is essential to the instruction being pursued or to any directly related licensing requirement. In doing so, DRC will examine the following:

- Barriers between individuals with disabilities and the campus environment in accessing courses, programs, services, jobs, activities or facilities without accommodations;
- Requested modifications, accommodations, and auxiliary aids;
- Whether the proposed accommodations would fundamentally alter the nature of the course, program, service, job, activity, or facility;
- Whether an academic requirement is essential to the instruction or to any directly related licensing requirement;

- Whether effective alternatives exist that would allow the individual with a disability to participate without lowering essential requirements or fundamentally altering the nature of the program.

When the University determines that a modification related to facilities or communication would result in a fundamental alteration or undue burden, DRC shall acquire the written opinion of the proper authority, *i.e.* department chair of impacted discipline, providing the reasoning supporting the decision.

Reporting Requirement 3: By June 30, 2017, the University will post the revised DRC Student Policy Handbook on the University website(s). The University will also disseminate the revised Student Policy Handbook to all faculty and staff. The University will provide written documentation to OCR demonstrating that the revised Student Policy Handbook will replace both electronic and written versions and that the University has disseminated the revised Student Policy Handbook.

Action Item 4:

By June 30, 2017, the University will provide training to all staff in the DRC and the Office of Equity and Diversity who are responsible for processing requests made by or on behalf of students with disabilities for a disability-related modification, academic adjustment, or auxiliary aid as well as for those staff responsible for providing support and advice on Section 504 and Title II. The training will at least address the following:

1. Section 504's and Title II's prohibition against discrimination on the basis of disability;
2. The University's obligation to modify its academic requirements as necessary to ensure that the requirements do not discriminate, or have the effect of discriminating against, a qualified individual with a disability on the basis of disability;
3. The types of factors University personnel should take into consideration when determining whether a requested accommodation, academic adjustment, or auxiliary aid will fundamentally alter the nature of the service, program, or activity, and/or how an academic requirement is essential to the program of instruction being pursued by a student;
4. The University's obligation to engage with students who request academic adjustments or auxiliary aids or services in a reasonable and cooperative manner, including by communicating to students the reasons for its decisions; where applicable, the explanations should include a discussion of how a modification would fundamentally alter the nature of the service, program, or activity, and/or how an academic requirement is essential to a course.

Reporting Requirement 4: By July 15, 2017, the University will submit to OCR documentation demonstrating that the training was delivered in accordance with this Agreement, including agendas, copies of all training materials, and attendance sheets from the trainings. The attendance sheets shall include a typed list with the names and titles for all DRC staff and Office of Equity and Diversity staff, and the signatures of those individuals who participated in the above-described training.

Monitoring

The University understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.43, and 104.44, and Title II, at 28 C.F.R. § 35.130, 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 the regulation implementing Section 504, at 34 C.F.R. §§ 104.4, 104.43, and 104.44; and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The University also 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/_____

____5/10/2017_____

Tracy M. Tyree, PhD
Vice President for Student Affairs
Southern Connecticut State University

Date