

**RESOLUTION AGREEMENT**  
**Bridgewater State University**  
***OCR Complaint No. 01-17-2092***

Bridgewater State University (University) voluntarily enters into this agreement to resolve the allegation in the above-referenced complaints filed with the U.S. Department of Education, Office for Civil Rights. 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.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the University agrees to take the following actions.

**Action Item 1**

The President's Office will send a notice (Notice), both electronic and hard copy, to all faculty, in addition to staff involved in the provision of accommodations,<sup>1</sup> reminding them:

- (i) of the requirements of Section 504 and Title II with regards to academic adjustments;
- (ii) of the process by which students should seek academic adjustments, including their role in said process;
- (iii) that if a student approaches them about receiving an adjustment, the student should be referred to the Disability Resources Office (DRO);
- (iv) that it is improper for them to make determinations regarding whether or not a student should receive an accommodation, except when working with the DRO to determine whether an adjustment changes an essential requirement of the course; and
- (v) that they should never ask students for medical documentation related to their disabilities nor should they accept such documentation.

**Reporting Requirement**

- i. By December 1, 2017, the University will submit to OCR for its review and approval a draft of the Notice.
- ii. Within 15 days of receiving OCR's approval of the Notice, the University will send the Notice, both electronic and hard copy, to all faculty and staff.

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<sup>1</sup> The Section 504 regulation addressing post-secondary education refers to "academic adjustments and auxiliary aids," while the Title II regulation refers to "reasonable modifications." When the term "accommodations" is used in this document, it refers to academic adjustments and auxiliary aids as those terms are used in 34 C.F.R. § 104.44 and reasonable modifications as that term is used in 28 C.F.R. § 35.130(b)(7).

- iii. Within 15 days of mailing the Notice, the University will submit to OCR proof of the mailings.

### **Action Item 2**

The Interim Provost and Vice President for Academic Affairs shall attend a regularly-scheduled Department Meeting of the Department of XXXXXXXXXXXXXXXXXXXXXXXXXX, which all Department faculty are required to attend, in which the topics in the Notice are conveyed orally. The Director of Equal Opportunity and either the Assistant Director of the DRO or a Learning Disabilities Specialist within the DRO shall be present for the meeting to address any questions or concerns that arise during this Department Meeting.

#### **Reporting Requirements**

- i. Within 60 days of receiving OCR's approval of the Notice, the Interim Provost and Vice President for Academic Affairs, the Director of Equal Opportunity and either Assistant Director of the DRO or a Learning Disabilities Specialist will attend the next regularly-scheduled Department Meeting of Department of XXXXXXXXXXXXXXXXXXXXXXXXXX.
- ii. Within 15 days of this Department Meeting, OCR will submit to OCR notice of the date of the Department Meeting, a list of attendees at the Department Meeting, and, as the discussed pertains to the topics in the Notice, the agenda for the discussion and any materials presented during the discussion.

### **Action Item 3**

The University will send the Notice to all students enrolled at the University via electronic mail to ensure all students understand that the DRO is responsible for handling all requests for accommodations, rather than individual professors. When the Notice is sent to all students, the cover e-mail shall include the name and contact information for an individual at the DRO who students can contact with any questions or concerns.

#### **Reporting Requirement**

- i. Within 15 days of the University's issuance of the Notice, the University shall submit to OCR documentation demonstrating its compliance with Action Item 3.

### **Action Item 4**

The University shall provide OCR with documentation of any concerns (Concerns) raised by students during the Fall 2017 and Spring 2018 semesters:

- (i) any individual professor requesting or accepting medical documentation of a student's disability with respect to the provision of accommodations,
- (ii) any individual professor offering, negotiating, or attempting to offer or negotiate their own accommodations to a student, and

- (iii) any allegedly improper conduct by professors in the Department of XXXXXXXXXXXX  
XXXXXXXXXXXXXXXX related to the provision of accommodations or disability  
discrimination of any kind.

The documentation provided to OCR shall include:

- (i) any written complaints,
- (ii) any records related to the investigation or response to the Concern,
- (iii) any summary of findings or other documentation related to resolution of the Concern;  
and
- (iv) any documents showing steps taken by the University to ensure other students do not  
have similar concerns in the future.

### **Reporting Requirement**

- i. By June 1, 2018, the University shall provide documentation in satisfaction of  
Action Item 1 regarding all Concerns raised during the Fall 2017 and Spring 2018  
semesters.

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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was 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: \_\_\_\_\_ Date: /s/ \_\_\_\_\_  
Frederick W. Clark, Jr., Esq.  
President