

Resolution Agreement
OCR Complaint #03142248
West Virginia University
College of Eberly Arts and Sciences

West Virginia University (the University) has agreed to resolve the allegations of disability discrimination raised in complaint #03142248 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The University agrees to implement the following steps and to report the results of implementation to OCR. The Agreement does not constitute an admission of liability on the part of the University, nor does it constitute a determination by OCR of any violation of our regulations by the University.

The University recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. Section 104.44(a) that requires the University to provide modifications to its academic requirements, as are necessary, to qualified students with disabilities to ensure that they are not denied the benefits of, or excluded from participation in, the University's educational programs, benefits, or services. The University also recognizes its obligation under the Title II regulation at 28 C.F.R. Section 35.130(b)(7) to make reasonable modifications when necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the program.

Memorandum

1. By October 30, 2014, the University will disseminate a memorandum/notice to all appropriate administrators, faculty, and staff at the College reminding them of their obligations under 34 C.F.R. Section 104.44(a) and 28 C.F.R. Section 35.130(b)(7), that the University shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity. The University may use email to disseminate the memorandum/notice.

REPORTING REQUIREMENT: By November 30, 2014, the University will provide OCR with a copy of the memorandum/notice sent to administrators, faculty, and staff at the College, and the names and titles of staff members to whom the memorandum/notice was sent.

Individual Remedy

2. By November 15, 2014, the University will contact the Complainant XXX-paragraph redacted -XXX

XXX-paragraph redacted - XXX

REPORTING REQUIREMENTS: By December 31, 2014, the University will provide OCR with documentation of its decision regarding the Complainant's request for modification of its policy or procedure regarding XXXXXX. If the University denies the Complainant's request for modification of its policies and procedures, the University will

also provide OCR with a description of the interactive process used to make its determination.

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 regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.44(a) and Title II at 28 C.F.R. § 35.130 (b) (7) which were at issue in this case.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.44(a) and Title II at 28 C.F.R. 35.130 (b) (7), which were at issue in 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 and 100.10) or judicial proceeding 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/ _____
President or Designee

10/14/14 _____
Date