

**Resolution Agreement
Robert Morris University
OCR Case No. 03172018**

The U.S. Department of Education, Office for Civil Rights (OCR) and Robert Morris University (the University) enter into this agreement to resolve the allegation in the above-referenced complaint. The University 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 prohibit discrimination on the basis of disability by recipients of Federal financial assistance.

Action Step 1 – Policies and Procedures for Provision of Academic Adjustments

The University will review and revise, as appropriate, its policies and procedures regarding academic adjustments for students with disabilities and specifically, will address the following:

- Reasonable steps to make a professional determination of whether aids or adjustments are necessary and, if so, what kind, based on an individualized assessment of the student's disability, the academic adjustment requested, and the nature of the course or program.
- Determinations that an academic adjustment would constitute a fundamental alteration of the course/program will be based on an individualized assessment of the course/program and must have a rational relationship to the course/program.
- Specific notice about the University's process for resolving complaints about academic adjustments, including how and where to file a complaint.
- In all locations where the policy/procedure is posted or printed, it shall contain the names, titles and contact information of persons whom students should contact to request academic adjustments.
- The policy/procedures will be posted in a prominent location on the University's website, with a tab and heading that contains this title and a direct link to this policy.

Within 30 days of receiving OCR's approval of the policies and procedures, the University will officially adopt and fully implement them.

Reporting Requirements

1. By December 1, 2017, the University will submit its revised policy and procedures for providing academic adjustments to students with disabilities,

including any applicable forms and procedures, to OCR for its review and approval.

2. Within 45 days of receiving OCR's approval, the University will submit to OCR the approved policies and procedures and evidence of their adoption and distribution. In this submission, the University will provide OCR with a list of all publications where they appear and copies of these publications, including any website addresses for policies and procedures on the University's website.

Action Step 2 – Memo to Staff and Administrators

The University will issue a memo to all University instructors, academic administrators and personnel who are involved in making determinations regarding the provision of academic adjustments for students with disabilities, reminding them of Section 504's requirements regarding the provision of academic adjustments to students with disabilities under Section 504 and citing to the language in the following provisions; specifically, 34 C.F.R. §§ 104.4(a); 104.4(b)(ii); 104.4(b)(2) and 34 C.F.R. § 104.44 (a). The memo will identify the name of the office which handles academic adjustments and the contact information for this office, and it will state that all decisions regarding the provision of academic adjustments will be made by this office, in consultation with University personnel outside of that office who have relevant knowledge regarding the University's programs, as appropriate. The memo will also advise instructors that if they receive requests for academic adjustments directly from a student, they should promptly refer the student to the identified office to pursue those requests. The memo will further state that upon receipt of a request for academic adjustments from a student, personnel from this office will engage in reasonable process with the student regarding what academic adjustments would be appropriate in light of the student's individual needs and the nature of the institution's program. The memo will further state prior to determining that the requested academic adjustment cannot be granted on the basis that it would involve a fundamental alteration of an essential program requirement, relevant officials within the institution must have engaged in a reasoned deliberation, including a diligent assessment of available options and any alternatives to the requested academic adjustments, as appropriate.

Reporting Requirements

By December 1, 2017, the University will submit a copy of the memo required under Action Step #2 and documentation establishing that the memo was issued, including a list of the University personnel who received the memo by name and title, proof of delivery, the method used to issue the memo and the date issued.

Action Step 3: Training

By January 30, 2018, the University will provide training for all personnel who are involved in making decisions regarding the provision of academic adjustments to students with disabilities, to ensure that they have an understanding of Section 504's obligations to provide academic adjustments to students with disabilities and are making such decisions in accordance with Section 504. This training will include a review of the University's revised policies and procedures for providing services to students with disabilities, and provide instruction on how such policies and procedures are to be applied and implemented in a manner that is consistent with Section 504.

Reporting Requirements

Within 30 days of the training, the University will submit to OCR a sign-in sheet from the training outlined above, along with a copy of all materials distributed at the training and or an explanation of the content that was covered during the trainings.

Action Step 4: Offer to Complainant

By November 1, 2017, the University will send the Complainant a letter by certified mail, offering her the opportunity to retake the XXXXXX and XXXXXX courses, at no cost to her. This letter will also invite her to discuss the University's provision of academic adjustments and auxiliary aids and services for the retake of the classes and the current semester, if she is still enrolled at the University. This letter will identify the name of the person, address and phone number of the individual that the Complainant is to contact and will reference the name of the office responsible for services for students with disabilities. This letter will also invite the Complainant to submit her request for reimbursement for her retake of XXXXXX, if it has not yet been processed by the University. If the Complainant does not respond to this offer within 30 days of the date of the University's letter, the University will have no further obligations under this provision.

With respect to any request for academic adjustments and auxiliary aids and services from the Complainant, the University will adhere to Section 504's procedures, as explained under Action Step 2 of this Agreement.

If the Complainant accepts the University's offer to retake one or both of the courses, the Complainant and the University shall mutually agree upon a time for the Complainant to retake the course(s) with all academic adjustments that she has been approved to receive.

Upon retaking the course(s), if the Complainant's grade is higher than the grade she received previously, the grade she received upon retaking the course(s) shall replace the prior grade. If the grade upon retaking the course(s) is lower than the grade she previously received, her grade shall remain unchanged.

Reporting Requirement

By December 30, 2017, the University will submit a copy of the University's letter to the Complainant and, if applicable, any response by the Complainant and any and all documentation related to any requests by Complainant for the provision of academic adjustments and auxiliary aids and services, including: correspondence between the University and the Complainant regarding the applicable timetable and arrangements for the Complainant to retake the course(s); documentation regarding any meeting(s) between University personnel and the Complainant to discuss Complainant's academic adjustments and determinations made regarding services, including notification to the Complainant of the services that are approved to the Complainant and, if applicable, the reason(s) as to why the University denied any of Complainant's requests for services; and documentation that the Complainant has been enrolled in the courses with the provision of academic adjustments. The University will also submit proof of reimbursement for the retake of XXXXXX as applicable.

The University understands that by signing this Agreement, it agrees to provide and 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 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(a); 104.4(b)(ii); 104.4(b)(2) and 34 C.F.R. § 104.44 (a). 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.

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

/s/

11/1/2017

President and/or Designee
Robert Morris University

Date

/s/

11/2/2017

U.S. Department of Education
OCR Philadelphia Office Director

Date