

RESOLUTION AGREEMENT
Shepherd University
Docket Number 03-17-2150

The U.S. Department of Education, Office for Civil Rights (OCR) and Shepherd University (the University) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability or non-compliance by the University. 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 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

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 Step 1

By October 1, 2017, the University will review and revise, as necessary, its policies and procedures for the provision of academic adjustments and auxiliary aids. The review will address whether the current policies and procedures provide for:

- a) an interactive process with the requesting student, which may include formal requests for documentation;
- b) consideration of any recommended reasonable modification or adjustment that would enable the student to have an equal opportunity to benefit from the academic program and will take into consideration the extent of the student's disability; the student's prior use of academic adjustments and/or auxiliary aids; the nature and complexity of program content; and the modes through which course content is presented;
- c) person(s) making any decision whether a student requires academic adjustments and/or auxiliary aids will be knowledgeable and informed about (or will make the decision based upon documentation received from a person who is knowledgeable and informed about) the nature of the student's disability and the effect of that disability on the student's performance in all aspects of the program, including the consideration of academic requirements and the existence of any modifications or auxiliary aids to assist the student in completing the program. The process may include consultation with University officials, academic advisors, and course instructors or specialists, familiar with the student's disability, where appropriate. As part of this process, the University may consider whether the academic adjustments/auxiliary aids and services being requested constitute a fundamental alteration of the nature of the program being offered by the University. Any determination regarding essential course/program requirements will include a reasoned deliberation by an individual(s) with relevant training, knowledge and experience in the subject area/course of study that includes a careful, thoughtful and

rational review of the academic program and its requirements and available options/alternatives as essential requirements; and

- d) that the University denies a student a requested academic adjustment or auxiliary aid only after conducting an appropriate and specific inquiry. Moreover, as part of this process, the University will consider if there are any other reasonable alternatives or available options to the academic adjustment or auxiliary aid or service being requested by the student, and if so, it will provide such services. When denying a requested service, the University will notify a student in writing, including the procedures for appealing such decisions.

Reporting Requirement: By October 15, 2017, the University will submit to OCR information demonstrating its review and, if necessary, revision of the policies and procedures for OCR review and approval.

Action Step 2

Within 30 days of OCR's approval of the revised policies and procedures, the University will provide training to the staff responsible for implementing policies and procedures.

Reporting Requirement: Within 45 days of OCR's approval of the revised policies and procedures, the University will provide OCR with documentation demonstrating that the training has occurred, including the name and title of the individuals trained, the date(s) of the training and materials used in the training.

Action Step 3

Within 30 days of OCR's approval of the revised policies and procedures, the University will publish the revised policies and procedures on its website, in its student handbook for the coming school year, and in any other applicable publications.

Reporting Requirement: Within 45 days of OCR's approval of the revised policies and procedures, the University will provide OCR with documentation demonstrating implementation with Action Step 3 above.

Action Step 4

XX – paragraphs redacted – XX

Action Step 5

XX – paragraphs redacted – XX

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. §104.44, 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/

/s/

Mary C. J. Hendrix, President
Shepherd University

Wendella P. Fox, Director
U.S. Department of Education,
Office for Civil Rights
Philadelphia Office

9/12/2017

9/13/2017

Date

Date