

Resolution Agreement
Interdenominational Theological Center
OCR Docket Number 04-13-2360

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Interdenominational Theological Center (ITC), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance. Prior to the completion of OCR's investigation, ITC agreed to resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). Accordingly, to ensure compliance with Section 504 and its implementing regulation, ITC voluntarily agrees to take the following actions:

Academic Relief for the Complainant

1. By November 15, 2013, ITC will offer the Complainant the option to retake courses (at no expense to the Complainant) she failed in fall 2012 and spring 2013, or to complete unfinished work for those courses in order to raise those course grades to passing. Regardless of whether the Complainant retakes the courses or completes unfinished work, ITC will provide the approved academic adjustments to the Complainant for all courses and/or make-up work, as described below in Item 2.

REPORTING REQUIREMENT: By November 30, 2013, ITC will provide OCR with documentation that shows the above written offer was made to the Complainant.

2. By November 15, 2013, ITC will process the Complainant's request for academic adjustments made in January 2013, in accordance with the Section 504 regulation. If ITC determines that the Complainant has demonstrated that the requested adjustments would effectively and reasonably accommodate her disability, then it shall apply the adjustments to the Complainant in current and future courses, including courses to be completed or retaken, as described above in Item 1. The processing of the Complainant's request will be interactive and before any request is denied based upon a lack of documentation, the Complainant will be provided timely notice of any supplemental documentation needs.

REPORTING REQUIREMENT: By November 30, 2013, ITC will provide evidence that it has complied with this Item 2 of the Agreement. The evidence should include, but is not limited to: 1) a list, by name and title, of every individual who participated in the decision regarding what academic adjustments should be granted; 2) an explanation of each individual's role in the process; 3) copies of any notes taken during the process; 4) a summary of its determination and a detailed explanation of the evidence which was relied upon to make a determination; 5) a copy of all documentation relied upon to make the determination; and, 6) a copy of correspondence to the Complainant concerning its determination.

Policy and Procedural Changes

3. By November 15, 2013, ITC will create policies and procedures for serving students with disabilities who request academic adjustments or physical accommodations to ensure that decisions regarding requests for services are made in a timely manner. The policies and procedures will include, but not be limited to, creating a single office that is responsible for receiving requests for academic adjustments, makes decisions regarding what academic adjustments are approved, and notifying instructors what accommodations are approved for each student. ITC will maintain a log of when students request academic adjustments and when decisions are made regarding requests. The policies should ensure that ITC will notify students in writing when additional information is required to make a decision and notify students when their requests are approved or denied.

REPORTING REQUIREMENT: By November 30, 2013, ITC will provide OCR with a copy of the revised policies, log, and a sample copy of the required notifications provided to students and faculty. By December 15, 2013, or within 30 days after receiving approval from OCR, whichever is later, ITC will publish the revised procedures electronically and place printed inserts in all ITC handbooks and catalogs. ITC will submit the log to OCR for review after the policies and procedures have been implemented for 90 days.

Training

4. By January 15, 2014, ITC will initiate annual training to its faculty and staff involved in serving students who have a disability regarding Section 504 and its requirements under 34 C.F.R. § 104.44, and its revised policies and procedures referenced above in Item #3.

REPORTING REQUIREMENT: By January 30, 2014, ITC will provide documentation showing it has initiated the training described in Item #3, including: (a) the date, time, and location of the training; (b) the topics addressed at the training; (c) copies of handouts distributed to the training participants; (d) the name(s), title(s) and qualifications of the individual(s) who conducted the training; and (e) one or more sign-in sheets with the name and title of each employee who participated in the training.

ITC 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, ITC understands that during the monitoring of this Agreement, if necessary, OCR may visit ITC, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether ITC has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.44(a).

ITC understands that OCR will not close the monitoring of this Agreement until OCR determines that ITC has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.44(a), which was at issue in this case.

ITC 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 ITC written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

President or designee

Date