

**Resolution Agreement**  
**Kennesaw State University (GA)**  
**OCR Complaint # 04-14-2415**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Kennesaw State University (University), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the University asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the University voluntarily agrees to take the following actions:

**Student-Focused Remedy**

1. By **December 31, 2014**, the University will change the Student's grades in HIST XXXX and HIST YYYY for the Fall 2013 Semester from "F" to "W".
2. By **February 1, 2015**, the University will provide the Student with a revised transcript, showing the change in grades.

**REPORTING REQUIREMENT:** By **February 1, 2015**, the University will provide OCR with a copy of the revised transcript provided to the Student.

3. By **December 31, 2014**, the University will offer to conduct an in-person conference with the University's Office of Disability Services (ODS) Director and the Complainant and Student to explain the Student's approved academic adjustment of extended time on exams and coursework. The offer to the Student should be in writing and provide a deadline of **January 14, 2015**, or within ten (10) calendar days of the date of the letter, whichever is later, to respond in writing to the offer. Should the Student accept the University's offer, the University will schedule the in-person conference within thirty (30) days of the Student's acceptance of the offer.

**REPORTING REQUIREMENT:** By **January 21, 2015**, the University will provide OCR with documentation of the offer to conduct the in-person conference in accordance with Item 3 above.

**REPORTING REQUIREMENT:** By **February 28, 2015**, if the Student accepted the University's offer made pursuant to Item 3 above, the University will provide OCR with documentation that the in-person conference took place.

**Training**

4. By **June 1, 2015**, the University will initiate annual training of the faculty in the University's History Department regarding the provision of academic adjustments and auxiliary aids to students in their classes.

REPORTING REQUIREMENT: By **July 1, 2015**, the University will provide documentation to OCR demonstrating that the University initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the faculty who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

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 Section 504 implementing regulation at 34 C.F.R. § 34 C.F.R. § 104.44 (a)-(d), and the Title II implementing regulation at 28 C.F.R. § 35.130 (a) and (b)(7).

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 Section 504 implementing regulation at 34 C.F.R. § 34 C.F.R. § 104.44 (a)-(d), and the Title II implementing regulation at 28 C.F.R. § 35.130 (a) and (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, 100.10), or judicial proceedings 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.

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**University President or His Designee**

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**Date**