

**Tennessee Technological University
Resolution Agreement
Complaint #04-15-2340**

Tennessee Technological University (University) submits to the U.S. Department of Education (Department), Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the above-referenced complaint (Complaint) and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, 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. To ensure compliance with Section 504 and Title II, and their respective implementing regulations, and to resolve the issues in this Complaint, the University voluntarily agrees to take the following actions:

Student-Focused Remedy:

1. **By January 20, 2017**, the University will initiate the process of convening a committee (Committee) to engage in a deliberative process for determining what academic requirements are “essential” to the instruction pursued by the Complainant since Spring 2015 or to any directly related accreditation requirement and whether the academic adjustments requested by the Complainant would fundamentally alter the academic program. This process will include the following: (i) the decision is made by a group of people who are trained, knowledgeable and experienced in the area; (ii) the decision makers consider a series of alternatives as essential requirements; and (iii) the decision involves a careful, thoughtful and rational review of the academic program/course requirements. The decisions and the reasons supporting them will be fully documented in writing by the Committee, with a copy provided to the Complainant.
2. **By May 25, 2017**, if the Committee determines that the Complainant’s requested academic adjustments would constitute a fundamental alteration the University will submit: (a) documentation of the names, titles, and qualifications of the Committee members; (b) a report of the Committee’s final decisions and the reasons supporting them; and (c) evidence that the report of the Committee’s final decisions was sent to the Complainant.

Reporting Requirements:

By May 25, 2017, the University will notify OCR of the actions taken pursuant to item #1, above, and submit (a) documentation of the names, titles, and qualifications of the Committee members; (b) a report of the Committee’s final decisions and the reasons supporting them; and (c) evidence that the report of the Committee’s final decisions was sent to the Complainant.

Beginning the Spring 2015 academic semester and for the duration of Complainant’s enrollment at the University, if the Committee determines that the Complainant’s requested academic adjustments would constitute a fundamental alteration,

the University will notify OCR of the actions taken pursuant to item #2 above, and submit (a) documentation of the names, titles, and qualifications of the Committee members; (b) a report of the Committee's final decisions and the reasons supporting them; and (c) evidence that the report of the Committee's final decisions was sent to the Complainant.

Procedure and Policy-Based Remedies:

a) **By January 20, 2017**, the University will draft academic adjustment procedures used to determine what academic requirements are "essential" or whether a modification requested by a student with a disability who has complied with the University's procedures for requesting an academic adjustment would fundamentally alter a course or academic program. The revised procedure will provide that a group of trained, knowledgeable, and experienced people will convene and engage in careful, thoughtful deliberation that includes a review of program/course requirements and consider whether effective alternatives to the requirement exist which could allow students with disabilities to participate in its academic program without waiving or lowering essential requirements or fundamentally altering the nature of the program. This group shall consist of staff members from the Office of Disability Services (ODS) and any applicable University staff b) **By February 1, 2017**, or within 15 days of receipt of notice of OCR's approval of the revised procedures, the University will publish, including on the University's website, and implement the revised procedures.

c) **By April 15, 2017**, the University will provide training to ODS staff concerning the procedures revised in accordance with item #3. The training must be conducted by someone knowledgeable with Section 504 and Title II at the post-secondary level and must not be a member of the Office of Disability Services. Thereafter, all staff with responsibilities related to determining academic adjustments will attend similar training every three years. In addition, new staff with responsibilities related to determining academic adjustments will receive similar training within two weeks of employment.

Reporting Requirements:

By January 20, 2017, the University will submit to OCR for review and approval, its academic adjustment procedures referenced in item #3(a) above.

By February 1, 2017, or within 15 days of receipt of notice of OCR's approval of the revised procedures (whichever is later), the University will submit to OCR documentation showing that it has implemented and published the revised procedures. The documentation will include a copy of the final published procedures, and a list of the publications or sources in which the procedures are published.

By May 1, 2017, the University will provide OCR with documentation demonstrating that the University has initiated training pursuant item #3(c) of the Agreement. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of University employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and the revised procedures; 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, upon notification to and reasonable scheduling with University counsel, 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.

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. § 104.44(a) and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

The College 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 College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the President or his/her designee below.

Dr. Philip Oldham, President

Date