

Resolution Agreement
Georgia Institute of Technology
Complaint: #04-15-2466

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Georgia Institute of Technology (Institute) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 at 28 C.F.R. Part 35. Prior to the completion of OCR's investigation, the Institute requested to resolve the allegations of this complaint pursuant to § 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the Institute voluntarily agrees to take the following actions.

Complainant Remedies

- 1) By **March 31, 2016**, the Institute will either waive XXXXX as a graduation requirement, allow the Complainant to substitute another course for XXXXX, or accept the "pass" grade the Complainant earned in the XXXX course for fall 2015, and provided that all other requirements for XX master's degree have been satisfied, allow the Complainant to obtain XX master's degree and participate in the master's commencement no later than May 2016. The Institute will provide to the Complainant written notification documenting this acceptance and satisfaction of the requirements for XX master's degree.

REPORTING REQUIREMENTS: By **March 31, 2016**, the Institute will provide OCR with documentation of actions taken for Item 1. Or in the alternative, written documentation provided to the Complainant waiving this course requirement.

- 2) By **March 31, 2016**, the Institute will provide the Complainant with all chapters of the course textbook and all lab materials in an accessible format.

REPORTING REQUIREMENTS: By **March 31, 2016**, the Institute will provide OCR with documentation that all accessible alternate format chapters of this course textbook and lab materials have been provided to the Complainant.

- 3) By **March 31, 2016**, the Institute will revise all relevant academic documents and records for the Complainant to remove any evidence of previous attempts to take the XXXX course and withdrawals therefrom by XXX, and only reflect the "pass" grade earned for fall 2015.

REPORTING REQUIREMENTS: By **March 31, 2016**, the Institute will provide OCR with documentation of all correspondence and grade changes made in accordance with Item 3 above.

- 4) By **March 31, 2016**, the Institute will calculate the correct pay differential for the Complainant's position as a XXXX, and issue XXX a check to reimburse for any differential in pay XXX has received since accepting XXX position as a XXXX. In the

event the Institute has already reimbursed the Complainant for an error in XXX pay differential for any time periods, the Institute will not be required to pay this amount again for those time periods.

REPORTING REQUIREMENTS: By **March 31, 2016**, the Institute will provide OCR with documentation of all correspondence and grade changes made in accordance with Item 4 above.

System for Providing Accessible Alternate Format Course Materials and Computers for Exams

- 5) By **April 1, 2016**, the Institute will conduct a survey and analysis of the following:
- a) its existing capacity for converting text and other written and video course materials to alternate formats for the XXXX, as well as employment documents in alternate formats, including the average time of production from request to delivery since January 2014, the timeliness of delivery, and other relevant resource considerations; and
 - b) its existing capability for offering computers that are operable with appropriate screen reader software to allow visually impaired students to take course quizzes/exams that are in a format that is accessible on the screen reader software, and are functionally correct and consistently since January 2014, including any malfunctions in such computers, for each malfunction, whether a replacement computer was provided to the student and how long a delay occurred in testing due to the malfunction.
- 6) By **April 30, 2016**, the Institute will draft a plan and procedures, based on the survey and analysis discussed in Item 5 (above), for OCR's approval, to ensure that students who require text and other written and video course materials and teaching assistants/interns/employees that require employment documents, be converted to an alternative format will be provided alternative media materials and properly functioning computers for exams that are equal in quality and received no later than the same time as educational materials and exams are provided to students without disabilities and employment materials are provided to staff without disabilities. In developing the plan and procedures, the Institute will specifically address:
- How requests for accessible course materials or employment documents will be processed in a timely manner if employees and contractors who are assigned particular tasks who are responsible for providing such materials are sick, on a leave or absence, or otherwise unable to complete the task in a prompt manner;
 - How exams will be administered to XXXX in a timely manner if the existing computer designated for the student to use for an exam is not functioning properly at the start of exam time or at any time during the pendency of the exam;
 - The need to provide expedited conversion of course or employment-related materials

because of delayed submission of text requirements by faculty, late or last minute assignment of faculty, last minute changes in schedules by students or unsuccessful attempts by Institute staff to convert course materials or employment materials to an alternate format; and

- Provision for excess production capacity because of the need to convert highly formatted materials or materials that may need to be produced in full, instead of incrementally. Materials such as indexes, glossaries, dictionaries, writing/study guides, and similar guidance and referral documents are generally not appropriate for incremental production. Incremental production of other materials may be appropriate in some circumstances provided that the increments are delivered to the student in a reasonably timely manner in advance of their use in that particular class, and no later than the same time such materials are provided to nondisabled students.

REPORTING REQUIREMENTS: By **April 30, 2016**, the Institute will provide OCR with a copy of the survey materials and its proposed draft plan and procedures, in accordance with Items 5 and 6 above.

- 7) **Within 30 days** after receiving OCR's written approval, the Institute will finalize and distribute the plan and procedures described in Item 6 to all faculty and staff who are involved in implementing the procedures for requesting academic adjustments, auxiliary aids and other modifications pertaining to alternate format course/employment materials and providing and maintaining accessible testing computers, as well as the appointed Section 504 Coordinator.
 - a) **REPORTING REQUIREMENTS: Within 60 days** after receiving OCR's written approval of the plan and procedures, the Institute will provide OCR with documentation of distribution of the approved plan and procedures to staff in accordance with Item 7.
 - b) **REPORTING REQUIREMENTS:** The Institute will provide a written report to OCR **within 30 days of the end of the fall semester 2016** showing
 - i) the number of text conversion requests thus far under the newly implemented plan and procedures, and for each conversion request, include the date when the request was submitted, and the date when the request was completed; and
 - ii) the number of exams administered on a designated computer provided by the Institute to XXXX, and for each such exam, state the date such exam was administered, whether the computer functioned properly and timely throughout the entire exam, and for any malfunctions, please provide the time such malfunction occurred, what recourse was taken to provide another functioning computer to the student, how long the recourse action took and whether the student was afforded more time or if not, afforded an opportunity to retake the exam with a fully functioning computer at a time/date convenient for the student.

Staff Training

- 8) By **July 1, 2016**, the Institute will provide Section 504 training for all staff and Institute contractors who are involved in implementing the revised plan and procedures for requesting academic adjustments, auxiliary aids and other modifications pertaining to alternate format course/employment materials and providing , as well as the appointed Section 504 Coordinator designated per this Agreement, to ensure that Disability Services staff are aware of Section 504's requirements and the revised procedures established by the Institute. These staff and contractors will begin implementing the revised plan and procedures immediately after this training.

REPORTING REQUIREMENT: By **July 1, 2016**, the Institute will submit to OCR a sign-in sheet with names and titles of all staff who attended the Section 504 training outlined above, a copy of all materials distributed at the training, and the identity and qualifications of the person who conducted the training.

The Institute 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 Institute understands that during the monitoring of this Agreement, if necessary, OCR may visit the Institute, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Institute has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.44 and the Title II implementing regulation at 28 C.F.R. § 35.150.

The Institute understands that OCR will not close the monitoring of this Agreement until OCR determines that it has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and its implementing regulation at 34 C.F.R. § 104.44 and the Title II implementing regulation at 28 C.F.R. § 35.150.

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

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

/s/

President or designee

3/4/2016

Date