

**RESOLUTION AGREEMENT**  
**Kennesaw State University (GA)**  
**OCR Complaint # 04-16-2114**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Kennesaw State University (University) enters into this resolution agreement (Agreement) to resolve the allegations in the above-referenced complaint. 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. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

All modifications necessary to provide access pursuant to this Agreement will be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design<sup>1</sup> or any accessibility standard that provide equivalent or greater access to individuals with disabilities.

**Action Item I. Accessibility Plan**

1. Within sixty (60) days of the signing of this Agreement, the University will hire or confer with an independent consultant who is knowledgeable about the architectural accessibility requirements of Title II and Section 504.
2. Within one hundred twenty (120) days of the signing of this Agreement, the University's consultant will conduct an accessibility survey of the Atrium Building on the University's Marietta campus, the signage and curb access associated with that parking, the offices and the women's restrooms on the 3<sup>rd</sup> floor of the Atrium building, as described in Paragraph 3 below, to ensure that the University is in compliance with the 2010 ADA Standards pursuant to 28 C.F.R. § 35.151(c) and the Appendix to 28 C.F.R. § 35.151(c), or any accessibility standard that provides equivalent or greater access to persons with disabilities.
3. Within one hundred eighty (180) days of the signing of this Agreement, the University's consultant will submit an Accessibility Plan for OCR's review and approval. The Accessibility Plan shall comply with the requirements of the 2010 ADA Standards and will describe a timetable for modifying the areas of non-compliance identified in its accessibility survey identified in Action Items 2 and 3, below. The University will begin to implement the Accessibility Plan no later than thirty (30) days following OCR's approval. The Accessibility Plan will ensure that the University completes all modifications no later than September 2018.

**Reporting Requirement:** On or before January 2018, April 2018 and August 2018, the University will provide OCR with progress reports that reflect the implementation of the

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<sup>1</sup> Located at: <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#c1>

Accessibility Plan. The University's Accessibility Plan status report will include blueprints, photographs and work orders (if available) that reflect the University's progress in implementing the OCR-approved Accessibility Plan.

### **Action Item II. Parking Plan**

1. Within one hundred twenty (120) days of the signing of this Agreement, the University's consultant will develop a **Parking Plan**, for OCR's review and approval, to provide designated accessible parking at the University's Atrium Building. The University's **Parking Plan** will ensure that it provides designated accessible parking spaces that comply with Table 208.2 of the 2010 ADA Standards and meet the requirements of 2010 ADA Standards §§ 208; 405; 502 and 503. The University will begin to implement the Plan no later than thirty (30) days following OCR's approval. The Plan will ensure that the University completes all modifications no later than September 2018.

**Reporting Requirement:** On or before January 2018 and April 2018, the University will submit status reports to OCR that provide status updates on the implementation of the Plan to provide Accessible Parking at the University in compliance with the 2010 ADA Standards. The University's progress reports will include blueprints, photographs and work orders (if available) that reflect the University's progress in implementing the OCR-approved plans to modify the accessible parking at the University.

### **Action Item III. Atrium Building**

1. Within one hundred twenty (120) days of the signing of this Agreement, the University's consultant will develop a Plan, for OCR's review and approval, to ensure that classrooms, public restrooms, public spaces and faculty office spaces are accessible to individuals with disabilities in compliance with the 2010 ADA Standards. The University will begin to implement the Plan no later than thirty (30) days following OCR's approval. The Plan will ensure that the University completes all modifications no later than September 2018.

**Reporting Requirement:** On or before March 2018 and June 2018, the University will submit progress reports to OCR that provide status updates on the implementation of the Plan to modify the Atrium in compliance with the 2010 ADA Standards. The University's progress reports will include blueprints, photographs and work orders (if available) that reflect the University's progress in implementing the OCR-approved plans to modify the Atrium Building.

### **Action Item IV. Grievance Procedures**

1. **By January, 2018**, the University will revise its grievance procedures to address student complaints brought under Section 504 and Title II, in accordance with the Section 504 implementing regulation at 34 C.F.R. § 104.7(b) and the Title II implementing regulation at 28 C.F.R. § 35.107(b). The University will adopt and implement the revised grievance procedures within thirty (30) days following OCR's approval.

The University will ensure that these revised grievance procedures provide for the prompt and equitable resolution of such complaints and will, at a minimum, include:

- notice to students of the procedure, including how and where to file a complaint;
- application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
- adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- designated and prompt timeframes governing the major stages of the grievance process;
- notice to the parties of the outcome of the complaint, and the basis for the decision;
- the right of parties to appeal the findings, remedy or both; and
- an assurance that the University will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirement:**

- a) **By November 30, 2017**, the University will provide OCR with its revised grievance procedures for OCR's review and approval pursuant to Section 504 and Title II.
- b) **Within 30 days** following OCR's approval of the University's revised grievance procedures, the University will provide written notice to students of the grievance procedures and will amend the Student Handbook and will publicize the grievance procedures in prominent locations on the University website.
- c) **Within 45 days following OCR's approval of the grievance procedures**, the University will provide OCR with documentation reflecting that the University has published the revised grievance procedures on its website and in its Student Handbook and widely disseminated the revised grievance procedures to the University faculty and students.

**Action Item V. Training**

1. **By March , 2018**, the University will provide training on its revised grievance procedures to all University employees who are directly involved in receiving, processing, investigating and/or resolving complaints or other reports of discrimination. Additionally, in the event that the University hires independent investigators and/or hearing officers, the University will provide training to the hearing officer before the University authorizes the investigator or hearing officer to investigate, resolve or adjudicate any complaint or report of discrimination. The training will also provide a general overview of the general non-discrimination provisions of Section 504 and Title II, including the general prohibition against discrimination towards individuals with disabilities and include instructions on how to conduct and document adequate, reliable, and impartial investigations, including the appropriate legal standards to apply in such investigations.

**Reporting Requirement:** Within thirty (60) days of completion of the training, the University will provide documentation demonstrating the following: a) the date, time and location of the training(s); b) an outline of the training and/or copy of the materials disseminated at the training; c) the name(s), title(s), and credentials of the individual(s) who conducted the training; d) the name and title of each individual who attended the training (including dated sign-in sheets with the attendees' names, titles, and work locations); and, e) the total number of staff members not in attendance and the measures taken by the University to ensure that each is provided the training materials and an opportunity to ask questions to clarify the materials

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. §§104.21-104.23. 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 President or his designee below.

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**University President or his Designee**

10/20/2017  
**Date**

XXXXXXXXXX, President  
**Printed Name & Title**