

Resolution Agreement
Troy University
OCR Complaint #04-16-2153

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Troy 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 at 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), as amended, 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 and retaliation by public entities. Prior to the completion of OCR's investigation, the University asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and to resolve the issues of this investigation, the University voluntarily agrees to take the following actions:

Plan for the Provision of Transcription

1. The University will draft a plan for the provision of academic adjustments, auxiliary aids and other benefits or services to ensure that individuals with disabilities are afforded an equal opportunity to participate in its educational programs and activities. The plan will include a requirement for the provision of effective transcription for all audio visual materials in all University courses, including e-courses, for individuals with disabilities requiring and requesting such services. If no transcription(s) is/are available for particular audio visual materials, the course must have a plan for the presentation of alternative, similar materials for the entire class in lieu of the audio visual material(s), in the instance in which an individual who is deaf or hard of hearing that requires and requests such services enrolls in the course.

REPORTING REQUIREMENTS: By February 1, 2017, the University will provide OCR with a copy of its proposed plan for OCR's review, comment and approval.

Within 60 days of OCR's written approval of its revised policy and procedures, the University will provide documentation evidencing that the plan has been adopted, published, disseminated to staff and implemented.

Staff Training

2. The University will provide Section 504/Title II training annually for all faculty, administrators and staff, which includes all personnel who are involved in implementing or approving academic adjustments, auxiliary aids and other modifications to ensure that staff are knowledgeable of the requirements contained in Section 504 and Title II regarding the provision of academic adjustments to students with disabilities. The training will address, at a minimum:
 - a) The University's obligation under Section 504/Title II to (1) furnish appropriate auxiliary aids and services where necessary to ensure that hearing impaired participants have

access to communications that are as effective as those provided to others, (2) ensure an equal opportunity for individuals with disabilities to participate in the University's programs and services, and (3) apply the appropriate legal standard under which auxiliary aids and services are to be determined necessary and effective under Section 504;

- b) The University's procedures for determining and providing academic adjustments/auxiliary aids and services, to include the plan created per provision 1 of this Agreement;
- c) The University's grievance procedures for denial of academic adjustments; and
- d) The name, title and contact information for the employee(s) designated to oversee compliance with Section 504/Title II.

REPORTING REQUIREMENT: By May 1, 2017, the University will provide OCR documentation that the training was provided, which will include: (a) a description of the expertise of the person(s) conducting the training; (b) training materials and any agenda(s); and (c) a copy of the sign-in sheet containing the date(s) of the training(s), as well as the names and titles of the attendees.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the terms of this Agreement. Further, the University understands that during the monitoring of this Agreement, if necessary, and with reasonable notice, 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. 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 the regulations implementing Section 504 at 34 C.F.R. § 104.44, and the regulations implementing Title II at 28 C.F.R. § 35.130, which were at issue in this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceeding 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.

President or Designee

Date

Printed Name and Title