

## **Resolution Agreement #05-13-2495 University of Notre Dame**

The University of Notre Dame (University) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR complaint # 05-13-2495. The University submits this Agreement to ensure its 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, with respect to the allegations raised in this complaint. This resolution has been entered into voluntarily by the University and does not constitute a finding or admission that the University is not in compliance with Section 504 and/or its implementing regulations. The University agrees to the following:

1. By July 15, 2014, the University will review and revise its written policies and procedures relating to student requests for academic adjustments, auxiliary aids and other services related to a disability. The University will ensure that these written policies and procedures apply to all students, including graduate students, who wish to obtain academic adjustments, auxiliary aids or other services through the University's Disability Services Office, and that they identify the title and contact information of the individual(s) responsible for facilitating a student's request. The policies and procedures, at a minimum, will identify the steps required of the student to initiate an interactive process with the University, as well as the University's responsibility in that process and the timeframes for completing the process; will provide for assignment of a specific facilitator for each student in order to ensure that the interactive process is completed, and that necessary academic adjustments and auxiliary aids are provided, in a timely and effective manner; will specify the circumstances under which a student's instructors will be involved in exploring necessary auxiliary aids and other services that may be provided to the student; and will identify the steps a student should take if the auxiliary aids are not provided as required or are ineffective.

**REPORTING REQUIREMENTS:** By no later than July 18, 2014, the University will provide to OCR for its review and approval its draft policies and procedures referenced in Item #1.

2. Within 30 calendar days of its receipt of written notification of OCR's approval of the draft policies and procedures referenced in Item #1, the University will adopt, implement, and publish the procedures. The University will provide all students, including graduate students, and relevant administrators, faculty, and staff notice of the new policies and procedures by electronic mail, will post the policies and procedures on the University's website, and will include training on the policies and procedures in graduate student orientation sessions.

**REPORTING REQUIREMENTS:** Within 30 calendar days of the required implementation date of this item, the University will report in writing to OCR that it has adopted, implemented, and distributed the policies and procedures as required.

By October 31, 2014, the University will report in writing to OCR that it has included training on these policies and procedures in all graduate student orientation sessions held in the fall 2014 semester.

3. By May 31, 2014, the University will assign a specific employee in the Disabilities Services Office as a resource for Student A to ensure that she receives necessary auxiliary aids timely and effectively in future courses in which she enrolls, including the X course from which she withdrew in X.

REPORTING REQUIREMENTS: By June 30, 2014, the University will provide to OCR the name of the employee assigned to Student A and documentation it has notified Student A of this employee's name and contact information. By June 30, 2015, if Student A has chosen to retake the X course from which she withdrew in X, the University will report in writing to OCR that she has received all necessary auxiliary aids for that course in an effective and timely manner.

4. The University will maintain a list of all graduate students who request academic adjustments and/or auxiliary aids during the 2014-15 academic year, with the following information for each: the academic adjustments and/or auxiliary aids requested, the date the request was made, the determination made by the Disabilities Services Office or the student's facilitator (acting in conjunction with the applicable instructor, as appropriate) as to each request and the date of the determination, and all documentation created by, sent from or received by the Disability Services Office, the student's facilitator, or the applicable instructor, as appropriate, concerning follow-up contacts regarding whether the academic adjustments and/or auxiliary aids were provided as required.

REPORTING REQUIREMENTS: By June 30, 2015, the University will provide OCR a copy of the list referenced in this Item; provided, however, that the University may use substitute identifiers within the list in place of personally identifiable information.

5. By September 30, 2014, the University will provide effective training to all administrators, faculty, and staff responsible for implementing the policies and procedures referenced in Items #1 and #2, including the responsibilities of the administrators, faculty and staff contained therein, as well as student rights and responsibilities.

REPORTING REQUIREMENTS: By October 31, 2014, the University will report in writing to OCR that it has provided the training referenced in this item, including the date(s) of the training, a copy of the materials used or distributed to participants, and a list with the name and title of all University administrators, faculty, or staff who successfully completed the training.

6. By September 30, 2014, the University will provide effective training to all administrators, faculty, and staff responsible for implementing the Student Grievance

Policy, including the Coordinator for Disability Services, the University Provosts and Associate Provosts, and the Student Hearing Board members. The training will, at minimum, identify the responsibilities of University administrators, faculty and staff upon receipt of a student grievance, including designated timeframes by which such individuals are to respond to each stage of the grievance process, and will also include information about the requirement to provide materials concerning the grievance process to students with disabilities in an accessible format when necessary.

**REPORTING REQUIREMENT:** By October 31, 2014, the University will report in writing to OCR that it has provided the training referenced in Item #6, including the date(s) of the training, a copy of the materials used or distributed to participants, and a list with the name and title of all University administrators, faculty, or staff who successfully completed the training.

7. The University will maintain a list of all grievances (relating to complaints under the Americans with Disabilities Act or the Rehabilitation Act of 1973) filed by students during the 2014-15 academic year, with the following information for each: the subject matter of the grievance; the date it was filed; the date notice was provided to the respondent; whether either party requested and, if so, was provided materials in an alternate format; the date of any hearing held; the date a final decision was issued; and the reason(s) for any delays.

**REPORTING REQUIREMENTS:** By June 30, 2015, the University will provide OCR a copy of the list referenced in this Item; provided, however, that the University may use substitute identifiers within the list in place of personally identifiable information.

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. Part 104.7 and 104.44, which were at issue in this case.

The University also 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 regulations implementing Section 504, at 34 C.F.R. Part 104.7 and 104.44, 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 or judicial proceedings to enforce the specific terms and obligations of 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.

**Approved and agreed to on behalf of the University of Notre Dame:**

\_\_\_\_\_  
Erin Hoffman Harding  
Vice President for Student Affairs

\_\_\_\_\_  
Date