

Resolution Agreement # 05-17-2345

Indiana University

The U.S. Department of Education, Office for Civil Rights (OCR), and Indiana University (University) enter into the following agreement in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. 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), 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. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35.

1. By February 28, 2018, the University will review and revise, as necessary, the Kelley School of Business's policies and procedures related to modifications for students with disabilities to include a provision requiring the initiation of an interactive process when a student with a disability requests a policy modification. The University will submit the revised policies and procedures to OCR for approval. At a minimum, the policies and procedures will include the following components:
 - a. An interactive process, from the time of a student's initial request for a policy modification to the final determination of whether the request is granted or denied, and, if denied, whether there are other modifications that will meet the student's need.
 - b. The determination of appropriate policy modifications for the student with a disability will include input from the student and other relevant personnel, and will be made on an individualized case-by-case basis using the interactive process.
 - c. Determinations as to whether granting a policy modification will cause a fundamental alteration to a particular program or course will be made using reasoned deliberation, including a diligent assessment of available options.
 - d. Students will be notified in a timely manner in writing of all policy modifications that have been approved and of any denial of requested modifications and the reason(s) for the denial. The notice will inform them of the process that can be used to challenge the denial of requests.
 - e. The University will fully document in the student's file the date of the policy modification request, the nature of each request and any supporting documentation, the reason (s) for any denials, and the interactive process that occurred between the University and the student.

REPORTING REQUIREMENT: By February 28, 2018, the University will submit to OCR for its approval a copy of its revised policies and procedures. Within thirty (30) days of receiving OCR approval, the University will submit to OCR documentation that it has published the revised policies and procedures on its website.

2. By June 29, 2018, the University will train the Kelley School of Business administrators and undergraduate admission committee members and other University officials who have responsibility to implement and enforce the revised policies and procedures referenced in Item #1 on the revised policies and procedures.

REPORTING REQUIREMENT: By June 29, 2018, the University will submit to OCR documentation verifying that it has implemented Item #2 of the Agreement.

3. By December 29, 2017, the University will extend an offer to Student A to begin an interactive process with her to consider her request for a policy modification in connection with her request for admission to the Kelley School of Business and, if Student A accepts the offer, will complete the process consistent with the requirements of Section 504 and Title II. If the University provides Student A the requested policy modification, the University shall consider if any other relief is necessary for Student A.

REPORTING REQUIREMENT: By December 29, 2017, the University will submit to OCR documentation verifying that it has made the offer to begin the interactive process. By February 28, 2018, the University will provide OCR with documentation of the completion of the interactive process and documentation of the determinations, and the reason(s) for the determinations, made during the process.

The University understands that by signing this Agreement, it agrees to provide the foregoing 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, 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 regulations, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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 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 sixty (60) calendar days to cure the alleged breach.

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

President or designee

Date