

**Resolution Agreement #05-20-2149**  
**North Dakota State University**

The U.S. Department of Education, Office for Civil Rights (OCR), and North Dakota State University (University) enter into the following agreement 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), 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 August 1, 2020, the University will send the Complainant a letter informing him that he may request academic adjustments and/or modifications to the academic requirements (hereafter academic adjustments) of Math 165 prior to re-enrolling in the course. The letter will inform the Complainant that if he requests academic adjustments for Math 165 he must follow the University's established procedures for such requests and provide the Disability Services Office (Disability Services) documentation of his disabilities that supports his request for the specific academic adjustments he requests for the course. If the Complainant makes such a request, Disability Services and the University will consider the Complainant's documentation and request for academic adjustments, and will engage in a process with the Complainant to ensure that the academic requirements of Math 165 do not discriminate or have the effect of discriminating against the Complainant on the basis of his disability. The University will implement the approved academic adjustments upon the Complainant's enrollment in Math 165.

**REPORTING REQUIREMENT:** By August 1, 2020, the University will submit to OCR documentation verifying that it has sent the required letter. By September 1, 2020, if applicable, the University will provide OCR with documentation of the completion of the process by which it considered the Complainant's request for academic adjustments for Math 165, and documentation of the determinations, and the reason(s) for the determinations, made during the process.

2. By December 31, 2020, the University will provide training to the Disability Services staff, the Math Department Chair, and the Complainant's Math 165 professor (Professor A) on the requirements of Section 504 and Title II with respect to providing academic adjustments and auxiliary aids and services to students with disabilities. The training will also address the University's obligation to consider requests for a modification of a University or course policy on an individualized, case-by-case basis. At a minimum, the training will explain that determinations that granting a policy modification or other academic adjustments and/or auxiliary aids and services in lieu of a policy modification will cause a fundamental alteration to a particular program or course, must be made using reasoned deliberation, including a diligent assessment of available options.

**REPORTING REQUIREMENT:** By December 31, 2020, the University will submit to OCR documentation verifying that it has implemented Item #2 of the Agreement, including a copy of the training materials, the name and credentials of the trainer, and a list of participants in the training by name and title.

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, 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

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Date