

**Resolution Agreement
OCR Complaint #05-23-2123
Indiana State University**

Indiana State University (University) submits the following agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) in resolution of OCR complaint #05-23-2123. 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, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131– 12134, and its implementing regulation, at 28 C.F.R. Part 35, with respect to the issues raised in the complaint.

1. By August 31, 2023, the University will review and, if necessary, revise its policies to ensure that students with disabilities who are approved for flexibility with excused absences, or any other absence-related academic adjustment, are provided a clear explanation of what they have been granted, including how such academic adjustments will be implemented. The University will ensure that these revised policies include procedures whereby students and University personnel responsible for implementing such academic adjustments, with or without the assistance of the Accessibility Resource Office (ARO), discuss the specific details regarding the implementation of the academic adjustment and memorialize in writing their agreement about how this adjustment will be implemented and provide this agreement to ARO. The University will also review and, if necessary, revise its procedure to ensure that ARO has an appropriate system in place to resolve disagreements between the employee(s) and student about the implementation of ARO-approved academic adjustments related to absences.

REPORTING REQUIREMENTS: By September 15, 2023, the University will provide documentation to OCR that it has completed the review required by Item #1 of this Agreement and revised its policies and/or procedures, if applicable.

2. By October 16, 2023, the University will provide training to all XXXXXX administrators, faculty and staff who are involved in implementing academic adjustments regarding the University's obligations pursuant to Section 504 and Title II to provide academic adjustments to all qualified students with a disability. The training will include, at a minimum, the following:
 - a. the requirement that a qualified person with a disability may not be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in any postsecondary program's aids, benefits, or services on the basis of disability;
 - b. an explanation that academic adjustments for students with disabilities are determined by ARO, that such academic adjustments cannot be altered by faculty or by faculty/student agreement, and that faculty cannot ask or require students with academic adjustments to waive their academic adjustments under Section 504/Title II; and

- c. the procedures described in Item #1.

REPORTING REQUIREMENT: By November 1, 2023, the University will provide documentation to OCR that it has met the requirements of Item #2 of this Agreement, including a copy of the training materials and a list of individuals who attended the training and their positions; the date(s) the training was conducted.

3. By August 7, 2023, the University will send Student A a letter by certified mail, offering her the opportunity to retake XXXX in the fall semester of 2023 or the fall semester of 2024 at no cost to Student A. If Student A does not respond within 30 days of the University's letter, the University will have no further obligations under this provision. If Student A accepts the University's offer to retake XXXXX, Student A will indicate her election of whether to take XXXX in the fall semester of 2023 or the fall semester of 2024. During the administration of the XXXXX, Student A will receive her approved academic adjustments. Should she request any adjustments in addition to those previously approved by the University, the University will engage in the interactive process with her through ARO to determine whether any additional academic adjustments should be approved. The University will not be required to take any action that it can demonstrate would result in a fundamental alteration in the nature of the class.

REPORTING REQUIREMENTS: By August 15, 2023, the University will submit to OCR a copy of the letter sent to Student A concerning XXX. By September 15, 2023, the University will submit documentation regarding Student A's response to its offer for her to retake XXXX. Additionally, if applicable, the University will submit to OCR documentation that Student A received her approved academic adjustments for the retaking of XXX by February 1, 2024, or February 1, 2025, along with Student A's final grade in XXXX.

4. By August 7, 2023, the University will send Student A a letter by certified mail, offering her the opportunity to retake XXXX course at no cost to Student A or to have her final grade in XXXX changed to a XX. If Student A does not respond within 30 days of the University's letter, the University will have no further obligations under this provision. If Student A accepts the University's offer to retake XXXXX, Student A will have until the end of the 2023-2024 academic year to complete XXXX. During the administration of XXXX, Student A will receive her approved academic adjustments. Should she request any adjustments in addition to those previously approved by the University, the University will engage in the interactive process with her through ARO to determine whether any additional academic adjustments should be approved. The University will not be required to take any action that it can demonstrate would result in a fundamental alteration in the nature of the class. Upon the completion of the XXXX course, the University will replace Student A's previous grade for the course, if it is higher than the prior course grade.

REPORTING REQUIREMENTS: By August 15, 2023, the University will submit to OCR a copy of the letter sent to Student A concerning XXXX. By September 15, 2023,

the University will submit documentation regarding Student A’s response to its offer to retake XXXX or to have her grade changed. Additionally, if applicable, the University will submit to OCR documentation of a grade change by November 1, 2023; or that Student A received her approved academic adjustments for the retaking of XXXX by May 31, 2024, along with Student A’s final grade in XXXX.

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. 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.

The University understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the University is in compliance with the terms of this Agreement and Section 504, 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, and Title II, 42 U.S.C. §§ 12131– 12134, and its implementing regulation, at 28 C.F.R. Part 35, which were at issue in this case.

The University understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of a breach. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to and on behalf of the University:

President or designee

Date