

# **RESOLUTION AGREEMENT**

## **Jackson State University OCR Complaint Nos. 06-16-2027; 06-17-2104**

The U.S. Department of Education, Office for Civil Rights (OCR) and Jackson State University (University) enter into this Agreement to resolve the allegations in the above-referenced complaints. 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), as amended, 29 U.S.C. Section 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) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance.

Prior to the completion of OCR's investigations, the University requested to resolve the issues of these complaints pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of these complaints, the University agrees to take the following actions.

### **Action Item 1**

The University will review and revise its policies and procedures regarding academic adjustments and auxiliary aids/services (academic adjustments) for students with disabilities, and to clarify the roles of faculty/instructors, students, and the University's Office of Disability Services in determining and implementing such accommodations. Specifically, the University will address the following:

1. The specific steps that a student will take in requesting academic adjustments, including an interactive process, from the time of a student's initial request, 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.
  - a. Students will be notified in a timely manner in writing of all academic adjustments that have been approved and of any denial of requested academic adjustments 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.
  - b. The University will fully document in the student's file the date of the academic adjustment 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.
2. A statement that the decision of whether or not to approve academic adjustments is made by the Office of Disability Services. The Office of Disability Services collaborates with students and their instructors to coordinate approved accommodations and services. Instructors may have input as to essential academic requirements and/or whether an academic adjustment would fundamentally alter the nature of the service, program, or activity.

3. A statement that although students may volunteer details about their disability to instructors, instructors should never ask students to discuss or disclose their particular disability.
4. A statement that instructors must provide accommodations approved by the Office of Disability Services. If a student has concerns about the implementation of approved accommodations, he or she should contact the Office of Disability Services immediately.
5. The procedure to be followed if an instructor objects to an approved accommodation or has concerns about the implementation of approved accommodations, including who to contact. Resolution of an objection to an approved accommodation must be reached as soon as possible to meet both the student and faculty member's interest. While working toward such resolution, faculty members should provide the approved accommodation unless the Office of Disability Services agrees that the accommodation is a fundamental alteration of the class objectives.
6. Specific notice about the University's process for resolving complaints about academic adjustments, including how and where to file a complaint.
7. In all locations where the policy/procedure is posted or printed, it shall contain the names, titles and contact information of persons whom students should contact to request academic adjustments.
8. The policy/procedures will be posted in a prominent location on the University's website, with a tab and heading that contains this title and a direct link to this policy.

### **Reporting Requirement 1**

1. By February 28, 2019, the University will submit its revised policy and procedures per Action Item 1, including any applicable forms, to OCR for its review and approval.
2. Within 45 days of receiving OCR's approval, the University will submit to OCR the approved policies and procedures and evidence of their adoption and distribution. In this submission, the University will provide OCR with a list of all publications where they appear and copies of these publications, including any website addresses for policies and procedures on the University's website.

### **Action Item 2**

The University will review and revise, as appropriate, its current process of notifying instructors of University-approved academic adjustments for students in their courses. Specifically, the University will address the following:

1. The process should clearly identify, with specificity, the manner, format, timing, and location of any approved academic adjustments, as appropriate.
2. The process should clearly communicate to instructors their obligation to ensure students are provided University-approved academic adjustments.

3. Students should be encouraged to communicate with instructors prior to the start of the semester regarding the implementation of approved academic adjustments in a given course. Instructors should be encouraged to identify a private setting for these discussions to ensure the student's privacy and comfort in discussing the academic adjustments.

### **Reporting Requirement 2**

1. By February 28, 2019, the University will provide, for OCR's review and approval, a copy of any proposed changes to its current process of notifying instructors of University-approved academic adjustments.
2. Within 45 days of receiving OCR's approval, the University will implement the revised process and disseminate it to its instructors and submit evidence of such to OCR.

### **Action Item 3**

The University will issue a memo to all University instructors, academic administrators and staff who are involved in making determinations regarding the provision of academic adjustments for students with disabilities, reminding them of Section 504's requirements regarding the provision of academic adjustments to students with disabilities under Section 504, and the prohibition against retaliation for individuals asserting their rights under the law. Specifically, the University will address the following:

1. The name of the office which handles academic adjustments and the contact information for this office, and it will state that all decisions regarding the provision of academic adjustments will be made by this office, in consultation with University personnel outside of that office who have relevant knowledge regarding the University's programs, as appropriate.
2. Advise instructors that if they receive requests for academic adjustments directly from a student, they should promptly refer the student to the identified office to pursue those requests.
3. Upon receipt of a request for academic adjustments from a student, personnel from the Office of Disability Services will engage in an interactive process with the student regarding what academic adjustments would be appropriate in light of the student's individual needs and the nature of the University's program.
4. Prior to determining that the requested academic adjustment cannot be granted on the basis that it would involve a fundamental alteration of an essential program requirement, relevant officials within the University must have engaged in a reasoned deliberation, including a diligent assessment of available options and any alternatives to the requested academic adjustments, as appropriate.
5. A reminder regarding student confidentiality. The University will include a statement that although students may volunteer details about their disability to instructors, instructors should never ask students to discuss or disclose their particular disability, and that a violation of the policies may result in discipline when appropriate.

6. A reminder regarding the University's prohibition on retaliation against individuals who exercise their rights under Section 504 and Title II, and that a violation of the policies may result in discipline when appropriate.

### **Reporting Requirement 3**

By February 28, 2019, the University will submit a copy of the memo required under Action Item 3 and documentation establishing that the memo was issued, including a list of the University staff who received the memo by name and title, the method used to issue the memo and the date issued.

### **Action Item 4**

The University will issue a separate memo to all University directors/administrators regarding Section 504 and Title II's prohibitions against retaliation. The University will include examples of protected activities and types of adverse actions, and a reminder that engaging in retaliatory actions may result in discipline when appropriate.

### **Reporting Requirement 4**

By February 28, 2019, the University will submit a copy of the memo required under Action Item 4 and documentation establishing that the memo was issued, including a list of the University staff who received the memo by name and title, the method used to issue the memo and the date issued.

### **Action Item 5**

The University will provide training for all its staff, faculty/instructors and administrators responsible for processing requests and/or providing academic adjustments to students with disabilities on the legal obligations of the University under Section 504 and Title II. Specifically, the training will address the following:

1. Section 504's and Title II's prohibition against discrimination on the basis of disability and retaliation.
2. The University's obligation to provide academic adjustments and aids to students with disabilities.
3. The University's procedures for students requesting academic adjustments and aids, including that the decisions whether or not to approve accommodations are made by the Office of Disability Services.
4. The obligations of University instructors and staff to implement approved accommodations.
5. The procedure to be followed if an instructor objects to an approved accommodation or has concerns about the implementation of approved accommodations, including who to contact. Resolution of an objection to an approved accommodation must be reached as soon as possible to meet both the student and faculty member's interests. While working toward such resolution, faculty members should provide the approved accommodation unless the Office

of Disability Services agrees that the accommodation is a fundamental alteration of the class objectives.

6. Although students may volunteer details about their disability to instructors, instructors should never ask students to discuss or disclose their particular disability.

### **Reporting Requirement 5**

By April 30, 2019, the University will provide documentation to OCR demonstrating that training was provided consistent with Action Item 5 above, including: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; (d) a description of the content, scope, and duration of the training provided; and, (e) copies of any training materials disseminated.

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, if necessary, OCR may visit the University, interview staff, and request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§104.44 and 104.61, and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.134. 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 (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings 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.

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

\_\_\_\_\_/s/\_\_\_\_\_  
**Dr. William B. Bynum Jr., President**  
**Jackson State University**

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**Date**