

RESOLUTION AGREEMENT
Cleveland University-Kansas City
OCR Case No. 07-18-2042

The U.S. Department of Education, Office for Civil Rights (OCR), and the Cleveland University-Kansas City (University), Overland Park, Kansas, enter into this Resolution Agreement (Agreement) to resolve the issues 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), and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department.

OCR did not make a finding of noncompliance in this matter. Rather, prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, the University agrees to take the following actions.

I. NOTIFICATION TO INSTRUCTORS OF APPROVED ACADEMIC ADJUSTMENTS AND AUXILIARY AIDS/SERVICES

Within 45 days of this Agreement the University will review and assess its current process of notifying instructors of University-approved academic adjustments and auxiliary aids/services (academic adjustments) for students in their courses. As part of this review and assessment the University will consider the following:

- i. The process should clearly identify, with specificity, the manner, format, timing, and location of any approved academic adjustments, as appropriate.
- ii. The process should clearly communicate to instructors their obligation to ensure students are provided University-approved academic adjustments.
- iii. Students should be encouraged to communicate with instructors prior to the start of the trimester 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.
- iv. Students and instructors should be encouraged to initially attempt to resolve any concerns regarding the provision of academic adjustments with each other, but failing resolution, should be provided clear notice stating how concerns or complaints should be communicated to the Office of Academic Records and Support.

To the extent the University's review and assessment of its current process results in any changes, the University will implement the changes **within 60 days of this Agreement**.

The University also agrees to incorporate any substantive changes to this process in its ongoing training it provides to instructors regarding accessibility services and communicate the changes to instructors via memorandum and/or email.

Reporting Requirement: By **August 31, 2018**, 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 and auxiliary aids/services (academic adjustments). **Within 30 days** of receiving OCR's approval, the University will implement the revised process and disseminate to its instructors.

II. INDIVIDUAL REMEDIES

- A. Prior to the start of the fall 2018 trimester, the University will schedule a meeting with the Complainant to engage in a re-assessment of the Complainant's needs through an interactive process to ensure all appropriate academic adjustments are made available to the Complainant consistent with Section 504. As part of this process, the University will ensure that any approved accommodation plan will identify with specificity the manner, format, timing, and location of any approved academic adjustments, as appropriate.
- B. The University, either as part of the re-assessment or shortly after the accommodation plan is finalized, will designate an individual to meet with the Complainant to review her accommodation plan and to communicate to the Complainant what the plan requires, including expectations of the Complainant and her instructors during the trimester.

Reporting Requirement: By **September 1, 2018**, the University will confirm to OCR that it has engaged in the interactive process with the Complainant contemplated in item II(A), and communicated to the Complainant as outlined in item II(B).

III. CONCLUSION

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 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 Section 504 and its implementing regulations which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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.

Dr. Carl Cleveland, President

Date