

**Agreement to Resolve
Mount Saint Mary's University
OCR Case No. 09-15-2288**

Mount Saint Mary's University (University) agrees, without admitting to any violation of law, to implement this Agreement in order to resolve the issues opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 in the above-referenced OCR complaint. The University specifically denies any violation of the law.

1. By **October 12, 2015**, the University will provide for OCR's review and approval a memorandum directed to all University instructors, lecturers, and professors, including adjunct teaching staff members ("teaching professionals") which covers the following topics:
 - a. A summary of the purpose of Section 504 of the Rehabilitation Act and how it applies to students at the post-secondary level;
 - b. A clear and concise description of how a student may request accommodations for a disability through the Learning Assistance Programs or the Learning Resource Center, the process the University uses to determine whether accommodations are appropriate, and how the University's teaching professionals will be informed of approved accommodations;
 - c. A statement that the decision of whether or not to provide approved accommodations is not at the discretion of the teaching professionals, and that failure to provide approved accommodations may result in a reprimand; and
 - d. An explanation of what a teaching professional should do if s/he believes that an approved accommodation would constitute a fundamental alteration of the class objectives, including who to contact, the applicable legal standards, and who at the University has authority to determine whether or not an approved accommodation is a fundamental alteration.
2. Within 15 days of OCR's approval of the memorandum described in paragraph 1 above, the University will distribute it to all teaching professionals through email, campus mail, or other effective distribution method, and will notify OCR in writing that this task has been completed. The University will specify the number of teaching professionals to which the memorandum was distributed in its notification to OCR.
3. By **October 30, 2015**, the University will provide for OCR's review and approval a draft policy for providing a note-taking accommodation to students with disabilities who are determined to need such an accommodation. The policy will include provisions designed to ensure that note-taker assistance is available to students with disabilities throughout the

duration of any course for which such assistance is deemed necessary. These provisions will include, but not be limited to, the following:

- a. Steps the University will take to arrange for the assignment of a note-taker prior to the first day of class by means such as obtaining advance information from students needing note-takers, and identifying students who have been previously assigned as note-takers and their enrollment schedules.
 - b. Steps the University will take during the first week of classes if no previously utilized note-takers are identified and engaged, and will be continued throughout the semester unless or until a note-taker is engaged or some other accommodation appropriate to the needs of the individual student is put in place. Such steps may include announcements by the class professor during class and/or identification of potential candidates through class rosters.
 - c. Alternative methods of providing notes to students with disabilities until a qualified note-taker can be engaged or some other accommodation appropriate to the needs of the individual student is put in place. Where no note-taker is available after the first day of class, the University will provide other effective means of providing notes to the accommodated student through recording of classes, making the teaching professional's lecture notes available to the accommodated student, or other such methods.
 - d. Contingency plans for situations when a note-taker is absent from a class.
 - e. A process for reporting and resolving claims by an accommodated student that notes are unavailable or of poor quality. The person assigned to handle such complaints will keep a record of any complaints and of the corrective actions taken by the University.
4. Within 15 days of OCR's approval of the note-taking policy described in paragraph 3 above, the University will implement the policy and provide to OCR a copy of the final policy with its effective date.
 5. The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, which were at issue in this case.
 6. The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104.

7. 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.
8. In consideration of the University's compliance with the terms of this Agreement, OCR agrees not to further investigate the allegations in OCR Case No. 09-15-2288 and close its file on the matter.

_____/s/_____
Dr. Ann McElaney-Johnson
President
Mount Saint Mary's University

_____09/28/2015_____
Date