

RESOLUTION AGREEMENT

Francis Marion University

OCR Case No. 11-18-2248

Francis Marion University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Case No. 11-18-2248. This Agreement does not constitute an admission by the University of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. By January 31, 2022, the University will create a policy consistent with 34 C.F.R. § 104.44 to ensure that the needs of students with disabilities requesting academic adjustments are assessed on an individual basis, and that the University does not maintain a blanket prohibition on adjustments to testing conditions, such as XXXXX, as an accommodation. The University will also ensure that the employees of its Disability Services Office are adequately trained regarding the new policy.

Reporting Requirements:

- a. By November 15, 2021, the University will submit its new or revised policy to OCR for OCR's review and approval.
 - b. Within 30 days of OCR's approval of the new or revised policy, the University will circulate the policy to the Disability Services Office and make the policy publicly available on its website.
 - c. Within 14 days of said circulation, the University will provide OCR with proof of its compliance with Item 1, Reporting Requirement b.
 - d. Within 45 days of OCR's approval of the new or revised policy, the University will provide documentation to OCR sufficient to show that the employees of its Disability Services Office have been adequately trained regarding the new policy, including: (i) the name of the individual(s) who conducted the training; (ii) the date(s) of the training session(s); (iii) all training materials; and (iv) a sign-in sheet with the names, signatures, and position titles of the University personnel who participated in each training session.
2. By October 31, 2021, the University will issue a letter to the Complainant informing her that if she chooses to take courses at the University in the future, the University will reconsider her disability accommodation requests on an individualized basis.

Reporting Requirement:

- a) By October 31, 2021, the University will provide OCR with the letter it sent Complainant regarding any disability accommodation request if she chooses to take courses at the University in the future.

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 the 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 and obligations of this Agreement. Upon the University's satisfaction of the terms and obligations of this Agreement, OCR will close this case.

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____
Charlene Wages
Vice President for Administration and Planning

Date: October 8, 2021