

**RESOLUTION AGREEMENT
OAKLAND UNIVERSITY
OCR Docket# 15-19-2070**

Oakland University (the University) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement to resolve the allegation in the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 1213 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. With this agreement, the University acknowledges its legal obligation to modify only non-essential academic requirements on the following bases, those: that do not lower essential academic standards; fundamentally or substantially modify the course or academic program in question ("Fundamental Alteration"); constitute the provision of personal services; or pose an undue burden for the University; as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against qualified individuals with disabilities. In furtherance of this objective, the University agrees to take the following actions.

Action Steps

1. By August 1, 2020, the University will modify its procedures for determining academic adjustments, including course substitutions, as well as auxiliary aids and services, to be given to a student with a disability. The procedures will include the following components:
 - a The process, from the time of a student's initial request for academic adjustments, including course substitutions, and/or auxiliary aids and services, to the final determination of the adjustments and aids that will be provided, will be coordinated and led by the Office of Disability Support Services (**DSS**), with consultation of other University departments or employees as appropriate or necessary.
 - h The determination of all appropriate academic adjustments, including course substitutions, and/or auxiliary aids and services, for the student with a disability established by a proper diagnosis provided to the University and subject to the student's request for specific accommodations, will include input from both the student and **DSS**. **DSS** will consult with faculty where appropriate.
 - c Students will be notified in a reasonably timely manner in writing of all specific adjustments, including course substitutions, or services that have been agreed to and advised of any denial of requested adjustments or services and the reason(s) for the denial, and informed that the denial of requests can be appealed to the University's Office of Diversity, Equity, and Inclusion.
 - d **DSS** will memorialize in the student's case file the date(s) of request(s) for adjustments or services, the nature of each request and any supporting documentation, the reason(s) for any denials, and a description of the interactive process that occurred between the University and the student.

- e Faculty will receive notice of the academic adjustments that impact courses and auxiliary aids and services determined by DSS to be appropriate for students with disabilities enrolled in their courses. The notice will include instructions to contact DSS should they disagree with the provision of a listed adjustment or service for their course. The DSS procedures will clearly state that no individual instructor will have unilateral authority to deny a student an academic adjustment and/or auxiliary aid or service approved by the University's DSS personnel. Any faculty disputes over what or how adjustments or aids are to be provided for a course will be forwarded first to the Associate Dean of the faculty's college or school and, if necessary, then to the University's Office of the Provost for resolution that will include **DSS**.

Prior to refusing any requested academic adjustment on the basis of being a Fundamental Alteration, the respective associate dean(s), and dean of the affected faculty member's college or school ("Committee") will convene to determine whether a requested modification or course substitution is a non-essential academic requirement that does not lower essential academic standards, would be a Fundamental Alteration, would constitute the provision of personal services or pose an undue burden for the University, as necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability against qualified individuals with disabilities. This process will be designed to ensure that such determinations are made:

1. on a case-by-case basis with regard to the requested adjustment(s);
2. by the Committee, in consultation with **DSS**, and any other academic administrators and pertinent faculty determined by the Committee to be trained, experienced, and/or knowledgeable about the program in question and/or about the disability at issue; and
3. only after a careful, thoughtful deliberation that includes a review of program/course requirements and available options and alternatives.

An academic adjustment will be denied if the Committee, after engaging in such a deliberative process, makes an academic determination that granting the requested adjustment would modify essential academic requirements, lower essential academic standards, be a Fundamental Alteration, constitute the provision of personal services or pose an undue burden for the University. The decisions and the reasons supporting them will be documented by the Committee and provided to both DSS and the student.

2. After notification from OCR that the academic adjustment procedures revised in accordance with Action Step #1 of this Agreement comply with the requirements of Section 504 and Title II, DSS will publish notice on its webpage of the revised procedures and how to obtain a hard copy.

3. By December 1, 2020, the University will train the associate deans, deans and all DSS staff, about the revised University procedures set forth in Action Step #1 of this Agreement. This training will be accomplished through already established Academic Council and Deans Council meetings or by any alternative means determined by the University that will provide effective access to the information to be disseminated, including without limitation online.
4. By July 1, 2020, the University will request from student XXXXX disabilities alleged by XXXXX to necessitate a XXXXX, to be submitted by the Student no later than thirty (30) University business days after the University's request.
5. Within thirty (30) University business days after the Student submits XXXXX disabilities, the University will complete the deliberative process with regard to the Student's request XXXXX, specifically to determine if XXXXX would modify essential academic requirements, lower essential academic standards, be a Fundamental Alteration, or constitute the provision of personal services or pose an undue burden for the University. The process will be conducted in accordance with Action Step #1 of this Agreement. The Student will be given written notification of the decision; if the University denies the request, the Student will be provided with reason(s) for denial, and the opportunity to dispute these decisions through the University's Office of Diversity, Equity, and Inclusion.

Reporting Timeframes

1. By August 1, 2020, the University will submit to OCR its revised procedures developed pursuant to Action Step #1 above for review.
2. Within sixty (60) calendar days of written notification from OCR that the procedures developed pursuant to Action Step #1 above meet Section 504 and Title II requirements, DSS will publish notice on its webpage of the revised procedures and how to obtain a hard copy, in accordance with Action Step #2 of this Agreement. Additionally, by January 1, 2021, the University will provide documentation showing implementation of Action Step #3 above to contain a certification by DSS, certifying the training date(s), the names and titles of the associate deans and deans, that a copy of the academic adjustment procedures revised in accordance with Action Step #1 of this Agreement was distributed and explained.
3. By August 15, 2020, the University will provide documentation of implementation of Action Steps #4 and #5 above regarding the Student, including:
 - a. a copy of the University's request that the Student provide a XXXXX pursuant to Action Step #4;
 - b. whether the Student submitted to the University acceptable documentation XXXXX;

