Resolution Agreement
Ashland Theological Seminary
OCR Docket #15-20-4020

Ashland Theological Seminary (the Seminary) 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. The Seminary agrees to take the following actions.

Action Steps

1. By [redacted], the Seminary will send the Student a letter [redacted]. [sentences redacted].

Reporting Requirement: By November 30, 2021, the Seminary will provide OCR with a copy of the letter sent to the Student showing its implementation of Action Step #1.

2. Should the Student notify the Seminary that she [redacted] ask for academic adjustments for her disability-related needs, the Seminary will:

   a. determine whether it needs additional documentation, beyond that already submitted to the Seminary by the Student, to respond to the Student’s request. The Seminary may request that the Student provide reasonable documentation prepared by a qualified professional of the existence of a current disability (a mental or physical impairment that substantially limits one or more major life activities) and information sufficient to assist the Student and the Seminary in identifying appropriate academic adjustments. Should the documentation submitted by the Student be determined by the Seminary to be inadequate, the Seminary will notify the Student in a timely manner why it believes the documentation is inadequate and what additional documentation is needed to support the existence of a disability and/or the requested services;

   b. engage in an interactive discussion with the Student to clarify the functional effects of the Student’s disability in relation to the barriers posed to her participation in the course and the nature and effectiveness of possible services to determine appropriate academic adjustments. The Seminary will not request information unrelated to the disability for which an accommodation is being sought; and

   c. notify the Student of the Seminary’s conclusions about academic adjustments she is approved for and notify her of what grievance process she should use if she disagrees with the Seminary’s determinations.

3. The Seminary is not required to provide services that would fundamentally alter the nature of the course or lower or waive essential course requirements. Prior to refusing any requested academic adjustment on that basis, however, the Seminary will:

   a. convene persons knowledgeable about the Student’s disability, including any applicable members of Student Accessibility Center staff, and about the course, such as faculty and a department chair, to engage in a careful, thoughtful deliberation of: the course requirements at issue; whether such requirements are essential; the
feasibility, cost, and effect on the course of the requested academic adjustments; and any available alternatives. The Seminary, only after engaging in such a deliberative process, will reach a rationally justifiable conclusion as to whether the requested academic adjustment would fundamentally alter the course or lower essential academic standards; and

b. document the conclusions reached and why and provide copies of the documentation to the Student Accessibility Center.

4. The Seminary will deny the Student requested academic adjustments only if it determines that they will fundamentally alter the course or lower or waive essential academic standards. Any such denial decision will be sent in writing to the Student and will include an explanation of the reasons for that determination and her right to appeal the determination through the Seminary’s disability grievance procedures, as well as notify the Student that she has the option either to withdraw from the course and receive a refund for the course and purchased course materials (e.g., textbook) or to proceed in the course without the requested academic adjustments.

5. [sentences redacted].

**Reporting Requirement:** By June 30, 2022, the Seminary will provide documentation of implementation of Action Steps 2 through 5 above regarding the Student, including a statement as to whether the Student notified the Seminary [redacted], whether the Student requested academic adjustments for such coursework, and, if so, the Seminary’s response to such requests, with supporting documentation. If the Seminary denied any of the Student's requested academic adjustments, documentation should include a copy of the written denial, documentation that the Seminary provided her with notice of its grievance process, and a statement as to whether the Student appealed the Seminary’s determination, any documents related to the Student's appeal and its outcome, and a statement regarding whether or not the Student chose to withdraw from or proceed in the course, with supporting documentation. If the Student does not engage in the interactive process or does not respond to the Seminary’s communication within a reasonable time during the Seminary’s implementation of Action Steps 2 through 4, the Seminary will provide documentation to OCR, including all communication between the Seminary and the Student describing its efforts to invite the Student for the interactive process and the Student’s lack of response. [sentences redacted]

6. By January 15, 2022, the Seminary, in conjunction with Ashland University, will develop and submit to OCR for review a single disability discrimination grievance procedure that conforms to the requirements of the Section 504 regulation at 34 C.F.R. § 104.7(b). The grievance procedure will incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504. At a minimum, the grievance procedure will:

A. provide notice that the procedure applies to all disability discrimination complaints alleging any action prohibited by Section 504 carried out by Seminary employees, students, or third parties;
B. provide notice of the name and/or position title, office address, telephone number, and e-mail address for each individual designated to coordinate the Seminary’s compliance with Section 504;

C. include notice to students and employees of the procedure for filing a complaint, including how, where, and with whom complaints may be filed, including notice of an alternate person if the person with whom the complaint would generally be filed is alleged to have been involved in the discrimination;

D. provide for the adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;

E. contain designated and reasonably prompt timeframes for the major stages of the complaint process;

F. provide for maintenance of documentation of all proceedings, which may include written findings of facts, transcripts, or audio recordings;

G. provide notice to the parties of the outcome of the complaint;

H. contain assurance that steps will be taken to prevent recurrence of discrimination or harassment if it is found to have occurred and to correct its effects on the complainant and others if appropriate;

I. contain a prohibition against retaliation which prohibits the Seminary or others from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504 or because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under those laws;

J. if an informal resolution process is included as part of the procedure, clearly state that any informal resolution process is voluntary and not a required step to be taken prior to making a formal complaint; and

K. not include language indicating that the U.S. Department of Education’s Office for Civil Rights is an appellate body for Seminary complaints.

7. Within 30 calendar days of OCR’s approval of the aforementioned Section 504 grievance procedure, the Seminary will adopt and implement the approved procedure by notifying students (including the Student), faculty, staff, and administrators of the procedure and where copies may be obtained and by posting the approved procedure on the Seminary’s and University’s websites.

**Reporting Requirements:** By January 15, 2022, the Seminary will provide OCR with a draft Section 504 grievance procedure for review and approval to show its implementation of Action Step 6. Within 40 calendar days after receiving approval from OCR, the Seminary will submit to OCR documentation showing its implementation of Action Step 7. The documentation should include copies of any electronic or written notice sent to students.
(including the Student), faculty, staff, and administrators, as well as a description of how the notices were disseminated and web links to where the procedure is posted on the Seminary’s website.

8. Within 60 calendar days of OCR’s approval of the aforementioned Section 504 grievance procedure, the Seminary will provide training by an individual knowledgeable about the requirements of Section 504 at the postsecondary level to Student Accessibility Center staff, the Dean, and any other relevant personnel who might be involved in Section 504 disability-related services or Section 504 grievance procedures. The training will cover the nondiscrimination requirements of Section 504 in the postsecondary setting, as well as the provision of academic adjustments and auxiliary aids and services to students with disabilities in that setting and the revised Section 504 grievance procedure.

**Reporting Requirement:** Within 50 calendar days of OCR’s approval of the Seminary’s Section 504 grievance procedure, the Seminary will provide OCR with documentation showing its implementation of Action Step 8. The documentation should include: the date(s) of the training(s); copies of the training agenda(s), any presentation(s) and handout materials used for the training(s); the name(s) and qualifications of the trainer(s); a list of the names and job positions of attendees at the training(s); and sign-in sheet(s) with the names and job positions of attendees at the training(s).

**General Requirements**

The Seminary 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 Seminary understands that during the monitoring of this Agreement, if necessary, OCR may visit the Seminary, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Seminary has fulfilled the terms and obligations of the Agreement. Upon the Seminary’s satisfaction of the terms and obligations of the Agreement, OCR will close the case.

The Seminary understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Seminary written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the Seminary’s representative below.

/s/ 10/19/21

President or Designee (Director, HR & Legal Affairs) Date