

**Resolution Agreement
Kent State University
OCR Docket #15-21-2136**

Kent State University (the University) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The University's acceptance of the terms of this agreement does not constitute an admission of the violation of any federal or state laws.

The University agrees to take the following actions:

1. By **June 1, 2022**, the University will draft and submit to OCR for its review and approval a procedure to ensure that the University engages in an appropriate deliberative process when determining whether a student request for disability-related academic adjustments, auxiliary aids and services and/or other accommodations (collectively referred to below as "accommodations") would result in a fundamental alteration of a University course or program. The procedure will:
 - a. Require that the decision be made on a case-by-case basis considering the specific disability-related accommodations requested by the student for the course/program at issue;
 - b. Require that the decision be made by a group of individuals (referred to for purposes of this agreement as "the Group"), which shall include Student Accessibility Services (SAS) staff and pertinent faculty, who are trained, experienced, and/or knowledgeable about the course or program in question; and may include academic administrators such as a department chair or program coordinator, when appropriate;
 - c. Provide that a disability-related request for accommodations will only be denied if the Group, after a thoughtful deliberation that includes a review of the specific student's requests and needs, program/course requirements and available options and alternatives, makes an academic determination that granting the requested accommodation would lower essential academic standards, fundamentally or substantially modify the course or academic program in question, constitute the provision of personal services, pose an undue burden for the University, or is otherwise not required by Section 504 or Title II. The decisions and the reasons supporting them will be documented by SAS, and provided in writing to the student;

- d. Provide that should a disability-related request for accommodation be denied because it would result in a fundamental alteration, that the University will engage in a deliberative process with the student to determine what, if any alternative accommodations that do not constitute a fundamental alteration may be provided to effectively address the student's disability-related needs; and
- e. Require that the determination of whether a student accommodation request constitutes a fundamental alteration be made in a timely manner, to allow the student sufficient time to obtain alternative accommodations. Students will be encouraged to submit their requests in a timely manner to ensure adequate time for SAS to develop their accommodations through the interactive process prior to the conclusion of the course add-drop period

Reporting Requirements: By **June 1, 2022**, the University will provide OCR with a draft of the procedure referenced in Item #1 above.

- 2. Within **30 calendar days** of OCR's approval of the draft procedure referenced in Item #1 above, the University will formally adopt the procedure, publish the procedure on the University's website and in all relevant electronic and printed publications, and electronically or otherwise disseminate the procedure to relevant University community members, including the University's SAS staff and all students registered with SAS as students with disabilities.

Reporting Requirements: Within **60 calendar days** of OCR's approval of the procedure referenced in Item #1 above, the University will provide OCR with documentation of its implementation of Item #2 above, including a link to where the new procedure is posted on the University's website, a list of all relevant printed and electronic publications in which the new procedure appears, and documentation that it notified University community members, including SAS staff and students registered with SAS about the new procedure.

- 3. Within **60 calendar days** of OCR's approval of the procedure referenced in Item #1 above, the University agrees to provide training to its SAS staff regarding the University's revised procedure referenced in Item #1 above. At a minimum, the training will cover:
 - a. who must be included in the Group tasked with determining whether a requested accommodation is a fundamental alteration (e.g., persons knowledgeable about the student's disability [SAS staff], and about the program, e.g., faculty and department chairs);
 - b. the case-by-case deliberation to be conducted concerning: the program/course requirements at issue; whether such requirements are essential; the feasibility, cost, and effect on the program of the requested accommodation; and any alternatives;

- c. a clarification that the decision about whether a particular student accommodation constitutes a fundamental alteration in a particular course or program must be made on a case-by-case basis and cannot be predetermined; and
- d. best practices for documenting the determination and the rationale for the determination and notifying the student.

Reporting Requirements: Within **75 calendar days** of OCR's approval of the procedure referenced in Item #1 above, the University will provide OCR with the date(s), time(s), and location(s) when the University's training was held; the name, title, and qualifications of the person providing the training; a copy of the sign-in sheet for attendees that lists the name and title of each attendee; a copy of the training agenda; and a copy of any training materials distributed during the training.

- 4. By **June 1, 2022**, the University will revise and submit to OCR for its review its XXXXXXXXXXXX Modification Accommodation Policy and Procedure, its XXXXXXXXXXXX Modification Accommodation Policy and Procedure, and any similar policies and procedures addressing disability-related accommodations for students. The procedures will make clear that XXXXXXXXXXXX and XXXXXXXXXXXX modifications, or other similar accommodations, will be decided on a case-by-case basis, considering the individual student's requests and needs.
- 5. Within **30 calendar days** of OCR's approval of the revised procedures, the University will adopt the procedures, publish them on its website and in any relevant electronic and hard copy publications and provide copies of the revised procedures to relevant members of the University community, including all SAS staff and students registered with SAS.

Reporting Requirements: Within **60 calendar days** of OCR's approval of the procedures referenced in Item #4 above, the University will provide OCR with documentation demonstrating its implementation of Item #5 above, including a link to where the revised procedures are located on the University's website, a list of electronic and hard copy publications where the procedures have been added, and a copy of any communications sent to members of the University community, including all SAS staff and students registered with SAS, providing copies of the revised procedures.

General Requirements

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 of the Agreement. Upon the University's satisfaction of the commitments made under the Agreement, OCR will close the case.

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

The Agreement will become effective immediately upon the signature of the University's representative below.

/s/

04/20/2022

University President or Designee

Date