

**Xavier University
Resolution Agreement
OCR Docket #15-21-2139**

Xavier 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.

The University agrees to take the following actions:

1. Within 90 calendar days of the execution of this Agreement, the University will provide training by an individual knowledgeable about the requirements of Section 504 at the postsecondary level to the University's Office of Disability Services (ODS) staff and other relevant staff involved in determining academic adjustments for students attending the University's [redacted content] (the Program). The training will cover the nondiscrimination requirements of Section 504 in the postsecondary setting and technical standards, as well as the provision of modifications, academic adjustments, and auxiliary aids and services to students with disabilities in the classroom setting and in field/clinical settings. At minimum, the training must include the following:
 - a. If the student who is already registered as a student with a disability asks for different academic adjustments for his or her disability-related needs, the University must:
 - i. determine whether it needs additional documentation, beyond that already submitted to the University by the student, to respond to the student's request. The University 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 University in identifying appropriate academic adjustments. Should the documentation submitted by the student be determined by the University to be inadequate, the University 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;
 - ii. 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 nature and effectiveness of possible services to determine appropriate academic adjustments. The University will not request information unrelated to the disability for which an accommodation is being sought; and
 - iii. notify the student of the University's conclusions about academic adjustments he or she is approved for in writing, as well as what grievance

process he or she should use if he or she disagrees with the University's determinations.

- b. The University 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 University must:
 - i. convene persons knowledgeable about the student's disability, including any applicable members of the ODS, 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 University, 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
 - ii. document the conclusions reached and why and provide copies of the documentation to the ODS.
- c. The University 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 his or her right to appeal the determination through the University's disability grievance procedures.

Reporting Requirement: Within 90 calendar days of the execution of this Agreement, the University will provide OCR with documentation showing that the University implemented Item 1. The documentation should include: (i) the date(s) of the training(s); (ii) copies of the training agenda(s), any presentation(s) and handout materials used for the training(s); (iii) the name(s) and qualifications of the trainer(s); (iv) a list of the names and job positions of attendees at the training(s); and (v) sign-in sheet(s) with the names and job positions of attendees at the training(s).

2. By **August 30, 2024**, the University will provide OCR with a copy of all disability-related academic adjustment/accommodation requests from student(s) attending the Program received by the ODS during the 2023-2024 academic year and relevant documentation showing how ODS evaluated and determined for each request received by ODS.

Reporting Requirement: By August 30, 2024, the University will provide OCR with documentation showing its implementation of Item 2. The documentation should include but not limited to: a copy of the student file maintained by ODS for each student who submitted any disability-related academic adjustment or accommodation request during the 2023-2024 academic year, showing what request each student made to the ODS, how

ODS received such request, what information or document ODS requested and/or reviewed to make a determination for each request, what determination ODS made regarding each request and how ODS reached such determination and how ODS notified each student regarding its determination.

General Requirements

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and its implementing regulation at 34 C.F.R. Part 104. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Part 104, which were at issue in this complaint.

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

/s/

10/23/2023

President or Designee

Date