

**University of Detroit Mercy
Resolution Agreement
OCR Docket #15-21-2148**

The University of Detroit Mercy (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.

The University agrees to take the following actions:

Individual Remedies

1. Within **14 days** of signing the Agreement, the University will send the Complainant a certified letter offering to reimburse XXXXX for the cost of XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX, as well as for the cost of any XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX, upon receipt of verification of the Complainant's costs. The letter will notify the Complainant that it must receive verification of XXXXX costs within 30 days of her receipt of the letter. The letter will further provide the name and contact information (telephone number, office address, and e-mail address) of a designated University employee whom XXXXX may contact regarding questions related to the letter and reimbursement and to whom XXXXX must send verification of XXXXX costs.

Reporting Requirement: By **April 1, 2022**, the University will provide OCR with documentation showing that it implemented Item 1, including a copy of the certified letter.

2. Within **14 days** of the University's receipt of verification of the Complainant's costs, the University will reimburse the Complainant in full.

Reporting Requirement: By **May 16, 2022**, the University will provide OCR with documentation showing that it implemented Item 2, including a copy of its method of payment (e.g., cancelled check) to the Complainant.

3. Within **14 days** of signing the Agreement, the University will notify the Complainant by certified letter that from the date of the letter onwards, it will reimburse XXXXX for reasonable costs XXXXX incurs obtaining XXXXX XXXXX XXXXX XXXXX
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of reimbursement may be conditioned upon the Complainant notifying DAS on or before
the start of the semester that XXXXX needs the XXXXX XXXXX XXXXX XXXXX

XXXXX XXXXX XXXXX, and notifying DAS within the first two weeks of each semester that XXXXX has not XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX. The University will have no more than two weeks from the start of the semester to remedy the defect.

Reporting Requirement: By **April 1, 2022**, the University will provide OCR with documentation showing that it implemented Item 3, including a copy of the certified letter. This provision may be included in the same letter required by Action Item #1 or may be a separate letter.

University-Wide Remedies

4. By **May 16, 2022**, the University will draft and adopt and/or revise its DAS policy and procedures to include the following:
 - a. An established process wherein the student with a disability and DAS engage in an interactive process to determine appropriate disability-related academic adjustments, auxiliary aids and services, and modifications to University policies, practices, and procedures (hereafter collectively referred to as “accommodations”). The process will include written notice to the Student of the disability-related accommodations the University will provide, how and when they will be provided, and the name and contact information for who to contact if the student experiences any problems;
 - b. A reasonable time frame within which the University must provide approved accommodations;
 - c. A system for documenting and addressing student complaints and concerns regarding the provision of agreed upon accommodations and the University’s efforts to remedy those complaints or concerns. The system shall designate a full-time DAS employee to address such complaints/concerns and will include a requirement that they be addressed within a reasonable timeframe. The system will also require written notice to the student of the University’s efforts to address each complaint or concern, and a requirement that the University meet with the student to discuss alternatives if a complaint or concern cannot be addressed within a reasonable period of time. The system will require that a monthly report of all complaints/concerns be generated and that the DAS director will review each monthly report and ensure that complaints/concerns have been fully addressed.
 - d. A statement that the University will not condition the provision of accommodations on the availability of funds as long as their provision would not pose an undue burden or cause a fundamental alteration to the service, program, or activity;

- e. A statement that a student with a disability may not be required to pay part or all of the costs of agreed upon accommodations;
- f. A provision that if notetakers for a class are a required accommodation and the University is not able to obtain a voluntary notetaker within the first two weeks of a semester, the University will hire a notetaker to ensure that this service is provided; and
- g. A procedure to ensure that it can provide necessary audiobooks to students as a disability-related accommodation in a reasonable timeframe, including books that are too large for the audiobook format traditionally used by the University.

Reporting Requirement: By **May 16, 2022**, the University will provide OCR with a copy of its draft policy and procedures developed under Item 4 for review and approval.

- 5. Within 30 days of OCR's approval of the draft policy and procedures, the University will formally adopt the policy and procedures, update all relevant printed publications and online publications with the revised policy and procedures, and electronically or otherwise disseminate the policy and procedures to the appropriate University community members, including DAS staff and all students registered with DAS as students with disabilities.

Reporting Requirement: Within **45 days** of OCR's approval of the draft policy and procedures, the University will provide OCR with documentation showing that it implemented Item 5, including documents showing that the University formally adopted, published, and disseminated the new policy and procedures as described in Item 5. This documentation will include evidence of the electronic or other dissemination of the developed and/or revised procedures to students, DAS employees, and other appropriate University community members, a list of the titles of the publications in which the policy and procedures appears (e. g. website, student handbook) as well as a copy of any such publications or a link to an online publication containing the developed and/or revised policy and procedures; and if not yet finalized, a copy of the insert for printed publications.

- 6. By **October 1, 2022, December 1, 2022, and March 1, 2023**, the University will provide OCR with documentation showing its implementation of the process referenced in 4.a above regarding the provision of accommodations to students with disabilities. This should include copies of any student requests for accommodations, documentation that the University engaged in an interactive process with the student to determine the appropriate disability-related accommodations, and copies of any written notices sent to students regarding the disability-related accommodations the University will provide.

Reporting Requirement: By **October 1, 2022, December 1, 2022, and March 1, 2023**, the University will provide OCR with the documentation required by Item 6 above.

7. By **October 1, 2022, December 1, 2022, and March 1, 2023**, the University will provide OCR with documentation showing its implementation of the system referenced in 4.c above for addressing student complaints and concerns regarding the provision of agreed upon accommodations. This should include a copy of any student complaints or concerns, and documentation regarding the University's response, including copies of notices sent to each student regarding the University's efforts to address each complaint or concern, documentation that the University met with the student to discuss alternatives if a complaint or concern could not be addressed within a reasonable period of time, and copies of the monthly reports of all complaints/concerns reviewed by the DAS director and any actions the DAS director took in response to those reports.

Reporting Requirement: By **October 1, 2022, December 1, 2022, and March 1, 2023**, the University will provide OCR with the documentation required by Item 7 above.

8. Within **60 days** of OCR's approval of the draft policy and procedures, the University will provide relevant staff with training on the policy and procedures, and on the requirements of Section 504 with respect to the provision of disability-related accommodations to students with disabilities. The University will provide OCR with a copy of its proposed training materials for its review and approval prior to the training. The training will be provided by an individual knowledgeable about the University's policy and procedures and the requirements of Section 504. The University will provide this training to, at a minimum, the employees who work in DAS, including the director, assistant director, and any other DAS employees. The training will also be provided to any University administrators, e.g., the University president, responsible for approving or denying DAS requests for funding to provide students with disability-related accommodations. The training will also emphasize Section 504's requirements regarding the provision of disability-related accommodations to students with disabilities and the importance of providing the accommodations in a timely manner.

Reporting Requirement: Within **75 days** of OCR's approval of the draft policy and procedures, or within 60 days after OCR's approval of the training materials, whichever is later, the University will provide OCR with information that it has implemented Item #8. This shall include the date(s) of the training(s), copies of the agenda and any training materials used or distributed during the training, and a copy of the sign-in sheets showing the name and job title of each attendee, including those individuals required to attend per this Agreement.

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 and obligations of the Agreement. Upon the University's satisfaction of the terms and obligations of 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 applicable statute(s) and regulation(s). 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 Agreement will become effective immediately upon the signature of the University's representative below.

/s/

03/21/2022

President or Designee

Date