

**Henry Ford College
Resolution Agreement
OCR Docket #15-22-2080**

Henry Ford College (the College) 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, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35 (Title II).

The College agrees to take the following actions:

1. Within 30 calendar days of signing this Agreement, the College will send the student identified in OCR Docket #15-22-2080 (the Student) a letter via certified postal mail and e-mail. In the letter the College will:

 - a. Invite the Student to XXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
XXXXX XXXXXX when next offered by the College, at the College's expense with appropriate academic adjustments. Costs that the College will cover with respect to this course shall include tuition, textbooks, supplies, and any mandatory student fees associated with this course. The letter will state that, should the Student elect to repeat the course, the Student's XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
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XXXXXX XXXXXX XXXXXX XXXXXX. The letter will state that the Student must notify the College that XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX
XXXXXX XXXXXX within 30 calendar days of the date when the letter is sent. The letter may also state that XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX per College academic year and that availability may be limited.
 - b. Advise the Student that, XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX XXXXXX, the College's Office of Assisted Learning Services (ALS office) will, prior to the start of the semester in which XXXXXX XXXXXX, meet with the Student to determine what disability-related academic adjustments XXXXXX requires for XXXXXX courses. The letter will make clear that the decision of what academic adjustments the Student requires will be made by the ALS office, after engaging in an appropriate interactive process with the Student to determine XXXXXX individual needs, and will not be based on generalized standards. The letter will state that while professors/instructors may be consulted regarding the requested academic adjustments in a particular course, requested academic adjustments are not subject to the approval of the Student's individual professors/instructors and will not be denied based on the professors'/instructors' input alone. The letter may state that decisions regarding whether the Student's disability-related academic adjustments constitute a fundamental alteration of the course will be made in consultation with the ALS Coordinator and by others the College determines to be the appropriate College personnel to engage in such decision (i.e., individuals who are trained, experienced,

and/or knowledgeable about the course or program in question, such as the professor, instructor, Department Chair, or program coordinator). XXXXX – SENTENCE REMOVED – XXXXX. The letter will make clear that the College will not deny the Student a requested accommodation on the basis that it constitutes a fundamental alteration of a course without using the process described in item 4 below.

Reporting Requirements:

- Within **45 calendar days** of signing the Agreement, the College will provide OCR with documentation of its implementation of Item #1, including a copy of the letter to the Student and documentation of how the letter was sent (e.g., a copy of the e-mail to the Student and a record of the letter being sent via certified mail.)
 - If the Student reenrolls in the College, within **45 calendar days** of his enrollment, the College will provide OCR with documentation of XXXXX enrollment, notes from any meeting(s) with the Student to discuss academic adjustments, and a copy of any plan for providing academic adjustments. In addition, the College will provide OCR with information documenting that the Student was not charged for tuition, textbooks, supplies, and any fees related to XXXXX re-taking of XXXXX XXXXX. If the Student does not reenroll in the College, the College will provide OCR with notification by **February 15, 2022**.
2. Within 60 days of signing this Agreement, the College will revise and submit to OCR for its review and approval, the Assisted Learning Service's (ALS) "Student Information Form" and "Notification to Instructor" form. The forms will be revised to ensure that the academic adjustments listed in both forms are written in a consistent manner and that the academic adjustment of extended time includes a space to notate the amount of extended time granted.

Reporting Requirement: Within **60 calendar days** of signing this Agreement, the College will provide OCR with documentation of its implementation of Item #2, including draft copies of the "Student Information Form" and "Notification to Instructor."

3. Within 45 calendar days of OCR's approval of the documents revised under Item #2 of this Agreement, the College will adopt and distribute the approved documents to ALS staff for immediate use.

Reporting Requirement: Within **45 calendar days** of OCR's approval of the documents revised under Item #2 of this Agreement, the College will provide OCR with information or documentation confirming that the approved documents have been adopted and distributed in accordance with Item #3 and are currently being used by ALS staff.

4. By January 1, 2023, the College will draft and submit to OCR for its review and approval a procedure to ensure that the ALS office engages in an appropriate interactive process with students seeking disability-related academic adjustments, auxiliary aids and services and/or other accommodations (collectively referred to below as "accommodations") when determining what accommodations will be provided. The procedure will make

clear that any accommodations must be individualized and based on a student's disability-related needs instead of generalized standards. The procedure will state that while professors/instructors may be consulted regarding the requested academic adjustments in a particular course, requested academic adjustments are not subject to the approval of the student's individual professors/instructors, and will not be denied based on the professors'/instructors' input alone. The procedure will further make clear that any decision to deny a student's requested disability-related academic adjustment as a fundamental alteration will be made in consultation with the ALS Coordinator and by others the College determines to be the appropriate College personnel to engage in such decision (i.e., individuals who are trained, experienced, and/or knowledgeable about the course or program in question, such as the professor, instructor, Department Chair, or program coordinator). In cases where the College believes a requested accommodation would result in a fundamental alteration of a College course or program, the procedure will:

- a. Require that the decision regarding fundamental alteration 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 in consultation with the ALS Coordinator and by others the College determines to be the appropriate College personnel to engage in such decision (i.e., individuals who are trained, experienced, and/or knowledgeable about the course or program in question, such as the professor, instructor, Department Chair, or program coordinator (referred to for purposes of this Agreement as "the Group").
- c. Provide that a qualified 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, or pose an undue burden for the College. The decisions and the reasons supporting them will be documented by the ALS office 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 College 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.
- e. Require that the determination of whether a student's disability-related request for an accommodation request constitutes a fundamental alteration be made in a timely manner, to allow the student sufficient time to obtain alternative accommodations. Students will remain responsible for contacting the ALS office to request, with supporting documentation, a request for accommodation(s) and

will be encouraged to submit their requests in a timely manner to ensure adequate time for the ALS office to develop their accommodations through the interactive process prior to the conclusion of the course add-drop period.

- f. Clearly state that no individual instructor will have unilateral authority to deny a student's disability-related request for an accommodation.

Reporting Requirement: By December 1, 2022, the College will provide OCR with a draft of the procedure referenced in Item #4 above.

5. Within **30 calendar days** of OCR's approval of the draft procedure referenced in Item #4 above, the College will formally adopt the procedure, publish the procedure on the College's website and in all relevant electronic and printed publications, and electronically or otherwise disseminate the procedure to relevant College community members, including the College's ALS office staff and all students registered with the ALS office as students with disabilities.

Reporting Requirement: Within **60 calendar days** of OCR's approval of the procedure referenced in Item #4 above, the College will provide OCR with documentation of its implementation of Item #5 above, including a link to where the new procedure is posted on the College's website, a list of all relevant printed and electronic publications in which the new procedure appears, and documentation that it notified College community members, including ALS office staff and students registered with the ALS office about the new procedure.

6. Within **120 calendar days** of OCR's approval of the procedure referenced in Item #4 above, the College will provide training by a competent authority on Section 504 and Title II to its ALS office staff regarding the requirements of Section 504 and Title II and the College's revised procedure referenced in Item #4 above. At a minimum, the training will cover:
 - a. Section 504 and Title II's prohibition of discrimination against individuals with disabilities, and Section 504 and Title II's requirements with respect to the provision of disability-related accommodations to students with disabilities.
 - b. The College's procedure for engaging in an appropriate interactive process with students seeking disability-related accommodations from the College.
 - c. The process that must be followed if the College believes a requested accommodation constitutes a fundamental alteration of a course, including, but not limited to:
 - i. who may be consulted by the ALS Coordinator when determining whether a requested accommodation is a fundamental alteration (e.g., persons knowledgeable about the student's disability (e.g., ALS office staff) and about the program (e.g., faculty and department chairs));

- ii. 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;
- iii. 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;
- iv. best practices for documenting the determination and the rationale for the determination and notifying the student; and
- v. the requirement that alternative accommodations be discussed and reviewed, should a requested accommodation be denied on the basis that it would constitute a fundamental alteration of a course.

Reporting Requirements: Within **90 calendar days** of OCR's approval of the procedure referenced in Item #4 above, the College will provide OCR with the date(s), time(s), and location(s) when the College'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 used or distributed during the training.

General Requirements

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II. Before initiating such proceedings, OCR will give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II, which were at issue in this complaint.

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

/s/

College President or Designee

11/17/2022

Date