Miami University
Resolution Agreement
OCR Docket #15-21-2132

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

The University agrees to take the following actions:

1. Within **45 calendar days** of the date of this agreement, the University will [content redacted].

   Reporting Requirement:

   Within **90 calendar days** of the date of this agreement, the University will provide OCR with documentation showing that it implemented Item 1, including a copy of its [content redacted] to the Student.

2. By **December 31, 2024,** the University will provide training by a competent authority on Section 504 and Title II on the University's obligations to students with disabilities under Section 504 and Title II. The University will provide this training to, at a minimum, Disability Services staff, one representative from the Office of the Provost and the Office for General Counsel, and the chair of the mathematics department. The training will address, at a minimum:

   a. Section 504 and Title II's requirements related to equal access, academic adjustments, effective communication, and the requirements for determinations of undue burden, including the requirements set forth at 34 C.F.R. §§ 104.4, 104.43, and 104.44 and 28 C.F.R. §§ 35.130, 35.160, and 35.164.

   b. That Disability Services shall lead the interactive process with a student with a disability, in consultation with appropriate faculty and other program personnel, to determine all necessary and appropriate accommodations based on the student's individual disability-related needs and the nature of the program(s) in which a student is enrolled.

   c. Upon notification from a student that the agreed-upon accommodations are not effective, Disability Services staff shall work with that student through the interactive process to resolve the issue within a reasonable time period.
   d. The process for Disability Services' communication with faculty and staff about the accommodations a student is to receive and for resolving any disputes.

   e. The process for the University's determination about whether academic requirements are "essential" or whether a requested accommodation would

fundamentally alter a course, academic program, or University-sponsored performance-based experience, a process requiring these determinations to be made by a group of people, including Disability Services and pertinent faculty or other relevant personnel, after a careful, thoughtful deliberation that includes a thorough review of program/course requirements and available options and alternatives, and that the decisions and the reasons supporting them are fully documented by the group.

f. The process for Disability Services to timely notify the student in writing of the accommodations that have been authorized by Disability Services, the requested accommodations that have been denied by Disability Services, the reason(s) for the denial, and an appeal procedure that can be used to challenge Disability Services' denial of requests.

g. That no University employee has the authority to unilaterally limit or deny a student an accommodation approved by Disability Services personnel and that an accommodation will not be denied based on the objection of a faculty member alone.

h. Documentation by Disability Services in the student's case file of the interactive process between the University and the student, including, but not necessarily limited to, the date of the request, the nature of the request, the accommodation granted, the reason(s) for any denial, any documentation supporting the denial, and alternatives offered.

i. The contact information for a University staff person designated to handle requests for communication accommodations and the process for requesting disability-related auxiliary aids and services, including timeframes for making the request.

j. The University will give primary consideration to the requested accommodation of the individual with a disability when determining what auxiliary aids and services to provide in response to requests for communication accommodations.

k. Any denial of a requested communication accommodation because it would result in a fundamental alteration of a service, program, or activity or undue financial and administrative burdens shall be made by a designee of the head of the University, which the University has named as the Provost and the Associate Provost, after considering all relevant factors comporting with 28 C.F.R. § 35.164, including, but not necessarily limited to, the resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

l. If a requested communication accommodation would result in a fundamental alteration of a service, program, or activity or undue financial or administrative burdens, the University will take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum

extent possible, individuals with disabilities receive the benefits or services provided by the University.

Reporting Requirements:

a. By **September 30, 2024**, the University will submit for OCR's approval a copy of the proposed training materials and the name and qualifications of the proposed trainer. The University is advised that OCR can provide this required training regarding the requirements of Section 504 and Title II free of charge.

b. By **January 31, 2025**, the University will submit information to OCR documenting that it provided the training required by Action Step 2, including: the date(s) of the training(s); a copy of the training agenda(s); copies of training materials used; the name of the person(s) who provided the training(s); and a sign-in sheet showing the names and job titles of all persons who received the training(s).

3. By **August 30, 2024**, the University will draft and submit to OCR a new or revised policy and procedure regarding the provision of academic adjustments and auxiliary aids and services (collectively referred to below as "accommodations") for students with disabilities, and fulfilling the University's obligations under Section 504 and Title II to ensure that its communications with individuals with disabilities are as effective as its communications with others. The policy and procedure will be consistent with the regulations implementing Section 504 and Title II, and will address, at a minimum, each of the items listed at 2 (a) through (l) above.

Reporting Requirement: By **August 30, 2024**, the University will provide OCR with the proposed draft updated or new policy and procedure required by Item 3.

4. Within **90 calendar days** after receipt of the OCR-approved new or revised policies and procedures pursuant to Item 3 above, the University will adopt and implement the new or revised policies and procedures and will email a copy of the new or revised policies and procedures to all students, faculty, and staff and include the link to related information on the University's website for Disability Services and any other appropriate locations for persons with disabilities in need of effective communications with the University to have easy access to the information. The University will train staff with Section 504 and Title II responsibilities on the University's procedures for providing accommodations to persons with disabilities as revised in accordance with Item 3 above. The University will also provide training on the University's procedures for providing accommodations to persons with disabilities as revised in accordance Item 3 above to its faculty members, which can be provided by online or recorded training.

Reporting Requirement: Within 90 calendar days after receipt of the OCR-approved new or revised policies and procedures pursuant to Item 3, the University will, in accordance with Item 4 above, submit to OCR supporting documentation verifying that it has implemented the OCR-approved policies and procedures, and provide a copy of the notice sent to students, faculty, and staff; documentation that the University sent students

and employees a copy of the revised policies and procedures; the link to the revised documents on the University's website; 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 or a copy of the email providing the online or recorded training to the employees and available documentation regarding the number or identity of employees who accessed the online or recorded training; a copy of the training agenda; and a copy of any training materials distributed during the training.

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 Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By signing the Agreement, the University agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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.

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 Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

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

/s/	09/06/2024
_____	_____
President or Designee	Date