Resolution Agreement OCR Complaint # 03152017 University of Maryland

In order to resolve the allegation in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) at 28 C.F.R. Part 35, the University of Maryland, College Park (the University) commits to implement the provisions set forth in this Resolution Agreement (Agreement) below.

Action Steps

- 1. By April 15, 2015, the University will send a memorandum to all personnel who are involved in the provision, administration, execution and delivery of academic adjustments to students with disabilities reminding them of their obligation to provide academic adjustments in a timely manner. The memorandum will also remind personnel of their obligation to refrain from retaliating against parties who have engaged in a protected activity.

- 3. By October 1, 2015, the University will revise its grievance procedures, or develop new grievance procedures, to address applicable student complaints brought under Section 504 and the Title II, in accordance with their implementing regulations. The University will ensure that these procedures provide for the prompt and equitable resolution of such complaints. The University's revised grievance procedures will, at a minimum, include:
 - a. notice to students of the procedure, including how and where to file a complaint;
 - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
 - c. adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;

- d. designated and prompt timeframes governing the major stages of the grievance process;
- e. notice to the parties of the outcome of the complaint, and the basis for the decision;
- f. the right of parties to appeal the findings, remedy or both; and
- g. an assurance that the University will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.

Reporting Requirement: By October 15, 2015, the University will provide OCR with its revised grievance procedures for OCR's review and approval pursuant to Section 504 and Title II. Within 30 days following notification from OCR that the University's grievance procedures referenced in Action Step #4 meet the requirements of Section 504 and Title II, the University will provide written notice to students of the grievance procedures and will amend the Student Handbook and website to include these procedures. The University will provide OCR with documentation reflecting that the revised grievance procedures have been published and widely disseminated.

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 this 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 this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.44 and Title II at 28 C.F.R. § 35.130(b)(7), and 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61 which were at issue in this case.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.44 and 104.7, and 28 C.F.R. §§ 35.107 and 35.130, and 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61 which were at issue in this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/S/ President or Designee <u>3-20-15</u> Date