

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Oregon Health and Science University (OHSU) enters into this agreement to resolve the allegations in a complaint (Reference No. 10152009) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and title II of the Americans with Disabilities Act of 1990 (42U.S.C. 12131-12134) and their respective implementing regulations (Section 504 and Title II).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10152009 and does not constitute an admission by OHSU of any violation of Section 504 and Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10152009 based upon OHSU's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. OHSU understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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, 100.10), or judicial proceedings to enforce this agreement, OCR shall give OHSU written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
- D. OHSU understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, OHSU understands that during the monitoring of this agreement, OCR may visit the university and interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether OHSU has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 and Title II, which were at issue in this case.
- E. OHSU understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

III. SUBSTANTIVE PROVISIONS

A. Policies, Procedures, and Practices

By 2/1/16, OHSU will have adopted its revised Section 504 and Title II policies, procedures, and practices regarding the provision of academic adjustments to students with disabilities. Specifically, OHSU will ensure that the policies, procedures, and practices comply with the Section 504 regulation at 34 CFR 104.44(a), which requires recipients to make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified student with a disability. Similarly, OHSU will ensure that the policies, procedures and practices will comply with the Title II regulation at 28 CFR 35.130(b)(7), which requires reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

B. Notice

By 2/1/16, OHSU will provide written notice to all clerkship directors, coaches, and appropriate staff members at the respective clerkship sites involved in implementing academic adjustments for medical students with disabilities. The notice will remind all staff that OHSU is committed to complying with Section 504 and Title II, and that OHSU is responsible for ensuring that all academic adjustments are provided to students with disabilities if such adjustments have been identified as necessary in accordance with established policies, procedures, and practices. The notice will also include (a) a description of any changes to OHSU's policies, procedures and practices that were identified pursuant to OHSU's review consistent with section III.A above, and (b) information about whom to contact with inquiries about expectations regarding implementing the provisions of students' academic adjustments.

C. Tracking

By 2/1/16 , OHSU will ensure that it has in place a system for tracking the provision of all academic adjustments to students with disabilities enrolled in the medical school that are determined to be necessary pursuant to the university's established policies and procedures for such academic adjustments. This tracking system will include (a) the name or identifying number of each student who is identified as needing academic adjustments;

(b) a description of the academic adjustments to be provided; (c) the staff member responsible for ensuring that the academic adjustments are provided; and (d) a periodic review of all academic adjustment provisions to ensure that all required academic adjustments are being implemented as required.

D. Development and Dissemination of Memorandum Regarding Retaliation

By 2/1/16 , OHSU will develop a memorandum or similar guidance document for distribution to administrators and staff involved in clerkships or the implementation of services to medical students with disabilities that provides information on unlawful retaliation against those engaging in civil rights related protected activities, including any OHSU policies that prohibit retaliation, and the procedures available for complaints of retaliation. At a minimum, the memorandum will specifically:

1. explain that Section 504 and Title II, and their respective implementing regulations, prohibit retaliation against individuals who take action to assert their rights to be free from discrimination on the basis of disability;
2. emphasize that retaliation against those engaging in protected activities is unlawful, prohibited by OHSU policy, and that staff members who engage in such retaliation are subject to sanctions; and
3. clarify that protected activity is not limited based on the position or status of the individual engaging in the protected activity and that students, staff, parents, guardians, and third parties can engage in activity that is protected by federal civil rights laws.

E. Student In Question

1. OHSU agrees that it will immediately implement all provisions specified in the approved academic adjustments of the student who is the subject of the complaint.
2. By 11/15/15, the dean of the OHSU medical school will send a letter to the student who is the subject of the complaint. The letter will:

- a. confirm that OHSU is committed to providing non-discriminatory access to all of its educational programs and activities for students with disabilities, including providing appropriate academic adjustments;
- b. assure the student that OHSU will offer the necessary assistance to ensure that he receives his approved academic adjustments;
- c. explain that OHSU is committed to maintaining an environment that is free from retaliation, and that OHSU specifically prohibits retaliation against individuals who take action to assert their rights to be free from discrimination on the basis of disability; and
- d. inform the student about OHSU's procedures to file a complaint of retaliation.

IV. REPORTING PROVISIONS

- A. By 12/15/15, OHSU will provide OCR with a draft of the revised policies, procedures and practices pursuant to section III.A, above, for OCR's review and approval. OCR will review the policies, procedures and practices and notify OSHU whether any additional revisions are required to comply with Section 504 or Title II. If revisions are required, OHSU will make the revisions and re-submit the draft to OCR. OCR and OHSU will follow the same procedure until OCR approves the policies, procedures, and practices.
- B. Within 20 school days after receiving approval from OCR regarding the revised policies, procedures and practices, OHSU will provide OCR with a report confirming that OHSU has adopted the approved policies, procedures and practices, including documentation that provides the date and method used to adopt them.
- C. By 12/15/15, OHSU will provide OCR with a draft of the notice that was developed pursuant to section III.B, above, for OCR's review and approval.
- D. Within 20 days of receiving approval from OCR regarding the contents of the notice, OHSU will provide a report to OCR that reflects the specific actions taken to comply with section III.B, above. The report will include the name and position title of each person that received the specified notice.

- E. By 12/15/15, OHSU will provide OCR with a description of the tracking system described in Section III.C, above.
- F. By August 1, 2016 and August 1, 2017, OHSU will provide OCR with a report documenting the provision of all academic adjustments for students with disabilities in the university's medical school during the preceding school year. This documentation will include a copy of the tracking system in which each student's academic adjustments are described, the name and position title of the staff member responsible for ensuring that those academic adjustments were provided as required, and a description of any concerns or delays in the provision of those academic adjustments.
- G. By 12/15/15, OHSU will submit a draft of the memorandum regarding retaliation described in III.D, above, to OCR for review and approval.
- H. Within 20 school days of OCR's approval of the memorandum, OHSU will submit a report to OCR that reflects the specific actions taken to comply with the notice requirement of section III.D, above. The report will include the name and title of each person that received the specified notice.
- I. By 12/15/15, OHSU will provide OCR a copy of the letter to the student as described in III.E above.

Signed:

/s/

Carey Critchlow
Legal Counsel
Oregon Health and Science University

10/13/2015

Date