

**Voluntary Resolution Agreement
Howard University
OCR Complaint No. 11-13-2222**

Howard University (the University) voluntarily agrees to enter into this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-13-2222. The University's decision to enter into the Agreement is not an admission that the University has violated Section 504 of the Rehabilitation Act of 1973 (Section 504) or any other law enforced by OCR. The University denies it has violated the law, and OCR has not made any findings that the University is in violation of the law. OCR's case processing manual provides that a complaint may be resolved before the conclusion of an investigation when a recipient of federal funding expresses an interest in resolving the complaint. In this case, OCR and the University have entered into this Agreement based on the University's expressed desire to expeditiously resolve the complaints, and OCR's and the University's common interest in addressing allegations of disability discrimination. Full implementation of this Agreement by the University resolves the allegations in OCR Complaint No. 11-13-2222.

SECTION 504 AND UNIVERSITY GRIEVANCE PROCEDURES TRAINING

1.
 - a. **By March 31, 2014**, the University will provide training on the University's Section 504 grievance procedures; specifically, the University will provide training for all Office of the Dean for Special Student Services (ODSSS) staff, which includes personnel who are involved in implementing the grievance procedures; including those who receive and/or are responsible for investigating such grievances.
 - b. **By March 31, 2014**, the University will provide training on its policies and procedures related to academic adjustments and auxiliary aids (i.e., "accommodations") and the responsibilities of faculty in implementing accommodations to all academic administrators, faculty and instructional staff in the Afro-American Studies Department.
 - c. At a minimum, the training will include:
 - i. An overview of the University's responsibility for providing academic adjustments/auxiliary aids to students with disabilities, and
 - ii. The University's grievance procedures regarding complaints filed about the provision academic adjustments to students with disabilities.

REPORTING REQUIREMENT: By January 13, 2014, the University will provide for OCR's review and approval an outline of the Section 504 training as described in Item 1a.-1c., along with the name and qualifications of the trainer(s).

REPORTING REQUIREMENT: Within 10 days of OCR's approval of the above training provisions, the University will schedule the training. Within 10 days following each training, the University will provide copies of sign-in sheets from each training session.

STUDENT REMEDIES

2. **Within 10 days** of entering this Agreement, the University will notify the Complainant in writing that if the Complainant returns to the University, she may choose from one of the following two options, at no cost to the Complainant: (1) re-take the final exam for the XXXX course (with the proper provision of required modifications), or, in the alternative, (2) re-take the entire XXXX course (with the proper provision of required modifications).
 - a. In the University's written notice of options it will identify one or more professors (other than the professor who taught the Complainant's XXXX course during the fall semester in 2012) who will teach the course, should she choose to retake the entire XXXX course.
 - b. In the University's written notice of options it will identify the professor (other than the professor who taught the Complainant's XXXX course during the fall semester in 2012) who will assess and grade the exam, should she choose to retake only the final exam.

REPORTING REQUIREMENT: By January 13, 2014, the University will submit to OCR written verification that it provided the Complainant with notice of her options, as described in item 3, and will submit to OCR a copy of that notice sent to the Complainant.

REPORTING REQUIREMENT: By January 13, 2014, the University will notify OCR whether the Complainant returned to the University for the spring 2014 semester, what option she chose, and a description of the University's action plan to execute that option.

3. The grade the Complainant receives as a result of either retaking the course or the final exam (as calculated with other grades from the fall 2012 course), will replace and be substituted for the final grade she received in the XXXX course during the fall of 2012.

REPORTING REQUIREMENT: Within 30 days of the University's posting of the Student's new grade in the XXXX course, the University will submit to OCR written notice of to the Complainant's final grade.

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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104, which was at issue in this case. 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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104, which was 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, 100.10), or judicial proceedings 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/_____
Dr. Wayne A.I. Frederick, President or designee
Howard University

11/25/13
Date