

Voluntary Resolution Agreement
South Carolina State University
OCR Complaint No. 11-14-2016

South Carolina State University (the University) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-2016. Prior to the completion of OCR's investigation, the University expressed an interest in resolving this complaint pursuant to Section 302 of OCR's Case Processing Manual and voluntarily agrees to take the following actions:

1. By April 1, 2014, the University will inform the Complainant that it is reviewing its XXXX decision to place him on a mandatory medical withdrawal and will provide the Complainant with an opportunity to submit information, including medical information and contact information for his medical providers. The University's review will be individualized and will consider the Complainant's current medical information. To the extent that the University does not accept any recommendation by the Complainant's current medical provider, the University will provide the Complainant with its legitimate nondiscriminatory reason for discounting this information and will provide the Complainant with an opportunity to meet with a neutral medical professional at the University's cost.
2. If the University reverses its initial decision to place the Complainant on a mandatory medical withdrawal, it will conduct a comprehensive assessment where it will solicit information from the Complainant to determine how he was harmed, including academic and financial harm, by being placed on mandatory medical withdrawal and will provide the Complainant with individual remedies, including but not limited to:
 - A. Redacting any reference to the mandatory medical withdrawal (including any "W"s) from his transcript and
 - B. Depending on the University's assessment of financial harm, offering the Complainant compensation and/or the opportunity to reenroll in the University with one full academic year (two academic semesters) of courses and housing at no charge to the Complainant.

Reporting Requirement: By June 15, 2014, the University will provide to OCR documentation of its review of the October 2013 mandatory medical withdrawal decision for OCR's review and approval.

Reporting Requirement: If applicable, by July 15, 2014 the University will provide to OCR documentation of its assessment of the Complainant's harm and proposed remedies for OCR's review and approval. Within 10 days of OCR's approval, the University will provide OCR with documentation that it offered any approved remedies to the Complainant, the Complainant's response to any offers, and confirmation that any approved remedies were provided.

3. The University will revise its Crisis Intervention for Mental Health Emergencies Policy (the Policy) to ensure that it complies with Section 504 and its implementing regulation,

particularly so that the revised policy does not discriminate against students with a disability and students regarded as having disabilities. The revised Policy will provide for an individualized assessment as to whether to place a student on a mandatory medical withdrawal. Under the revised Policy, any conditions that the University may impose upon a student's readmission from a mandatory medical withdrawal must be reasonable and individualized.

Reporting Requirement: By July 1, 2014, the University will provide to OCR a draft of the revised Policy for OCR's review and approval.

Reporting Requirement: Within 10 days of OCR's approval of the revised Policy, the University will provide OCR with documentation that the revised Policy was adopted and widely disseminated to University personnel and students.

4. The University will review all situations during the 2012-2013 and 2013-2014 school years where a student was placed on a mandatory medical withdrawal. For each situation, the University will (a) determine if the decision to place a student on a mandatory medical withdrawal and the conditions for the student to be placed on the student's readmission are consistent with its revised Policy, as discussed in Provision 3, and (b) if the decision or conditions would be different under the revised Policy, the University will determine whether individual relief is appropriate for any of the students and offer appropriate remedies to the students.

Reporting Requirement: By August 1, 2014, the University will provide for OCR's review and approval documentation of the University's review of previous situations of students placed on mandatory medical withdrawals, including (a) the information it reviewed; (b) its determination about whether its decision or the conditions for readmission would be different under the revised Policy; (c) its determination about whether individual relief is appropriate for each student; and (d) if applicable, any proposed remedies as a result of its review. Within 10 days of OCR's approval of the University's review and proposed remedies, the University will offer any approved remedies to students as appropriate.

Reporting Requirement: If applicable, by May 15, 2015, the University will provide to OCR documentation that it provided any approved remedies to students who accepted the remedies, as identified above.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled its terms and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104. The University also 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. Part 104.

