

## Voluntary Resolution Agreement

Suffolk University  
OCR Case Number 01-13-2170

To resolve the allegations raised to the U.S. Department of Education, Office for Civil Rights (OCR), in Complaint 01-13-2170, Suffolk University (University) agrees to implement this Agreement, drafted in accordance with OCR's jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104 (Section 504). The University does not admit any wrongdoing or violation of any law, statute, regulation or policy, and is entering into this Agreement solely for purposes of amicably resolving this complaint.

### **I. POLICIES**

- 1) The University will revise its policies relating to the respective rights and responsibilities of students, administrators, faculty, staff and the University's Office of Disability Services (ODS) with respect to accommodating students with disabilities, as detailed below.

- a. "Accommodations" Policy:

Under *Exam Accommodation Policy and Procedures*, clarify that exams, quizzes or other tests that are not included on a syllabus and/or are not pre-scheduled by an instructor can be proctored at ODS; and, that students may involve ODS if instructors are not complying with instructor obligations.

- b. "Faculty Rights and Responsibilities" Policy:

1. Under *Rights*, clarify the process by which faculty may challenge an accommodation request;

Under *Responsibilities*, clarify that faculty are obligated to provide Accommodations noted in the Disability Accommodation Letter .

- c. "Student's Rights and Responsibilities" Policy:

Under *Responsibilities*, clarify that students with disabilities are only obligated to identify themselves to ODS if they wish to obtain disability-related accommodations.

- d. Accommodation Verification Letter

Clarify that faculty should be aware of the accommodation needs of their students when giving exams, tests or other in-class assignments that are not included on a class syllabus.

- 2) By **February 3, 2014**, the University will provide drafts of the above policies to OCR for review and approval. The University will adopt the final process description within 30 days after receiving approval from OCR.

- 3) Once adopted, the University will post the revised policies on its website and, by **May 30, 2014**, will provide to OCR evidence of such posting, such as a hardcopy printout of the relevant webpages, or a URL by which OCR can access the appropriate webpages.
- 4) The University will notify its faculty, including full and part-time instructors, of the revisions to the above policies and by **May 30, 2014** will provide to OCR evidence that it did so, such as a copy of the disseminating email or memorandum.

## II. TRAINING

- 1) By **DATE**, a mandatory professional development workshop will be presented by ODS staff to faculty who taught the Student, on the above revisions to the University's policies. In particular, the training will focus on the obligation and role of instructors in providing accommodations, specifically:
  - a. The obligation to be responsive to students in regards to processes in which students are required by the University to obtain instructor approval and/or input for accommodations, e.g., having exams proctored through ODS;
  - b. The obligation to be aware of the accommodations needs of students when developing assignments, i.e., whether a student will need to take an otherwise handwritten exam on a computer or whether a student will need a separate environment to take a "pop quiz;" and
  - c. The obligation to maintain confidentiality about a student's disability status, including not discussing accommodations or exchanging disability-related paperwork with a student with disabilities in front of other students or staff.
- 2) By **May 30, 2014**, the University will provide to OCR documentation evidencing that the training described in Paragraph (II)(1) was completed, including the materials presented in the training; the name, title and qualifications of the ODS staff person who provided the training; and, sign-in sheets of the attendees, including names and titles.

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 Section 504, which was at issue in this case.

The University understands that by signing this agreement, it agrees to provide data and other information to OCR 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 and/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, 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, 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.

For Suffolk University:

\_\_\_\_\_/s/\_\_\_\_\_  
President of the University

\_\_\_\_\_  
Date