

RESOLUTION AGREEMENT
New York Medical College
Case Number 02-13-2014

In order to resolve Case Number 02-13-2014, New York Medical College (the College) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the following actions pursuant to the applicable requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104.

Action Item 1:

By November 22, 2013, the College will replace the complainant's grade of XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX (XXX), recorded on her transcript as her grade for the Spring 2011 XXXXXXXXXXXX XXXXXXXXXXXX Clerkship, with the grade she received when she XXXXXXXX the XXXXXXXXXXXX XXXXXXXXXXXX Clerkship in XXXX 2011.

Reporting Requirement: By XXXXXXXXXXXX XX, 2013, the College will provide a copy of the complainant's revised final transcript as well as any corresponding documentation containing a reference to the aforementioned grade change, such as the Student's Dean's Letter, to OCR demonstrating compliance with Action Item 1 above.

Action Item 2:

By December 6, 2013, the College will evaluate and revise its policies, procedures, and practices with respect to the use of the XXXXX XXXXX and "INC", to ensure that these codes are interpreted and implemented consistently for all students irrespective of disability.

Reporting Requirements:

- a) By December 6, 2013, the College will provide documentation to OCR demonstrating that its policies, procedures, and practices were evaluated and revised in accordance with Action Item 2 above; including a draft of its revised Registrar grade/code policies and procedures.
- b) By June 30, 2014, and 2015, the College will provide the names and disability status of all students to whom an XXX or INC grade was issued, and reasons for the use of the XXX or INC grade.

Action Item 3:

By December 27, 2013, the College will provide training to all administrators, including but not limited to the Senior Associate Dean for Student Affairs, on the requirements of Subpart E of the regulation implementing Section 504 of the Rehabilitation Act, related specifically to postsecondary institutions. The training will include, but will not be limited to, the requirements of the regulation regarding treatment of students in general (§104.43); academic adjustments (§104.44); and, nonacademic services (§104.47).

Reporting Requirement: By January 15, 2013, the College will provide documentation to OCR demonstrating that the College provided training as described in Action Item 3 above. This documentation will include: (a) the date(s) the training was conducted; (b) the name(s), title(s), and credentials of the individual(s) who conducted the training; (c) a list of the individuals who attended the training and their positions and proof of their attendance; and (d) copies of all training materials used and disseminated, including handouts, guides, or other materials.

No Admission of Liability or Wrongdoing:

The College's signature of this Agreement is not an admission or acknowledgment that the College has violated the provisions of any statute or regulation.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§104.4, which was at issue in this case. The College 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 College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. §§104.4, which was at issue in this case. The College 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 proceeding to enforce this agreement, OCR shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

11/11/2013
Date

/S/

President or Designee
New York Medical College
Edward C. Halperin, M.D., M.A.
Chancellor for Health Affairs
and CEO