

**Resolution Agreement
University of Florida
OCR Docket No. 04-15-2415**

The U.S. Department of Education, Office for Civil Rights (OCR) initiated an investigation of the above-referenced complaint filed against the University of Florida Board of Trustees (University) pursuant to 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability. This Agreement has been entered into voluntarily by the University and does not constitute an admission by the University that it is not in compliance with Section 504, Title II, or their implementing regulations. To ensure compliance with Section 504, Title II, and the implementing regulations and to resolve the issues of this investigation, the University voluntarily agrees to take the following actions.

Individual Remedy

1. **By April 15, 2016**, the University will remove the Complainant's dismissal from the University and the Complainant's appeal of the dismissal from her transcript and official educational record, and replace each and every reference to the dismissal with a voluntary withdrawal or other non-detrimental, non-punitive administrative form of leave.

Reporting Requirement: **By April 29, 2016**, the University will provide to OCR documentation showing that it has taken the steps detailed in Item #1 above, including a copy of her official transcript and certification of removal of the dismissal and appeal from her educational record.

2. **By April 15, 2016**, the University will extend an offer in writing to the Complainant to be re-admitted for enrollment for the Fall 2016 semester in her prior educational program at the University's College of XXXXXXXXXXXX (Program). The Complainant shall have three months from the date on the University letter to accept the University's offer, after which, the offer may be rescinded.

Reporting Requirement: **By April 29, 2016**, the University will provide documentation to OCR showing that it has communicated the offer stated above.

3. If the Complainant accepts the offer to be re-admitted as detailed in Item #2, then within 10 days of her acceptance of the offer, the University will direct the Complainant to contact the Disability Resource Center (DRC). Once the Complainant contacts the DRC, the DRC will begin its academic accommodations process, and engage in the interactive process to determine all reasonable accommodations for the Complainant prior to her re-enrollment in courses or clinical clerkships with the Program. The consideration of reasonable accommodations will include consideration of all reasonable accommodations for all disabilities documented through the University's DRC process.¹ The University

¹ Process detailed on the University's website at : <https://www.dso.ufl.edu/drc/students/how-to-get-started>

will conclude its interactive process and issue a determination letter on accommodations for the Complainant within 30 days of the Complainant providing the DRC with any required disability documentation, in accordance with the DRC accommodations process.

Reporting Requirement: By July 22, 2016, or within 30 days of the conclusion of the accommodations process in Item # 2 above, whichever is later, the University will provide all documentation received, sent, generated, or related to the Complainant's interactive process and the University's determination regarding reasonable accommodations for the Complainant described in Item #2 above, including internal and external correspondence, notes, memorandums, e-mails, and determinations. For the Complainant's disabilities the University alleges are not eligible for accommodations, accommodations that are denied, and accommodations that are alleged to be unreasonable, the University must provide documentation demonstrating it engaged in a deliberative and interactive process to reach its conclusions on each determination.

Training

4. **By September 1, 2016**, the University shall initiate annual training of staff, faculty, and administrators at the Program and the DRC involved in the provision of accommodations regarding Section 504's and Title II's requirements regarding provision of academic adjustments and auxiliary aids. The training must include a postsecondary institution's responsibilities in the provision of academic adjustments and auxiliary aids for qualified individuals with disabilities, the need to engage in a deliberative and interactive process to identify reasonable accommodations, and the prohibitions of discrimination against and different treatment of students with disabilities consistent with Section 504, Title II, and the implementing regulations.

Reporting Requirements: Within 15 days of the completion of the initial training session under Item #4, the University will provide OCR with documents confirming the date and location of the training, a log with names and titles of all faculty, employees, and administrators who attended the training, a copy of all materials used and distributed in the training, and the identity and qualifications with respect to Section 504 and Title II of the person who conducted the training.

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 Section 504 implementing regulation, at 34 C.F.R. §§ 104.4, 104.44, and the Title II implementing regulation, at 28 C.F.R. § 35.130, which were at issue in this case.

The University 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, 104.44, and Title II, at 28 C.F.R. § 35.130, 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 sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the President or his/her designee below.

President or Designee

Date

Printed Name and Title