

SECTION 302 RESOLUTION AGREEMENT
Philadelphia College of Osteopathic Medicine
OCR Complaint #04-18-2277

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Philadelphia College of Osteopathic Medicine (College), enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the College. The College assures OCR that it will take the following actions to comply with the 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, which prohibit discrimination on the basis of disability.

Prior to the completion of OCR's investigation, the College agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issue of this investigation, the College agrees to take the following actions:

STUDENT REMEDIES

1. By **December 31, 2018** the College will offer in writing by certified mail to the Complainant the opportunity to request a phone videotaping accommodation, and allow the Complainant 15 days to accept the offer in writing by submitting XX request and any documents in support thereof. If the Complainant makes such request, the College's Office of Disability Services will consider the request and information provided and issue a written determination thereon in accordance with the College's procedures and due process standards.

REPORTING REQUIREMENT:

- a) By **January 4, 2019**, the College shall submit to OCR documentation showing that the offer letter was sent to the Complainant, as required under Item 1.
- b) **Within 30 days of making such decision**, the College shall provide OCR with a copy of its decision issued to the Complainant or notification that the Complainant did not accept the opportunity to the accommodation request described under Item 1 above.

COUNSELING

2. By **January 30, 2019**, the College will counsel the Associate Dean (at issue in the Complaint) regarding the statement made in an December 13, 2017 email to the Complainant. During the counseling session, the Dean will be advised and trained on Section 504's prohibition against harassment based on disability, what constitutes disability harassment, and Section 504's requirement to provide the academic adjustments and auxiliary aids, which have been approved by the University in accordance with Section 504, without modification, unless modified through a deliberative process.

REPORTING REQUIREMENT:

By **February 28, 2019**, the College will submit to OCR a written summary of the counseling session with the Associate Dean, including the identity of those who were present.

TRAINING

3. By **January 30, 2019**, the College will provide investigative training to all faculty and staff responsible for overseeing or conducting investigations of complaints alleging disability discrimination/harassment or retaliation.

REPORTING REQUIREMENT:

By **February 1, 2019**, the College will submit documentation for Item 3 to OCR showing: 1) the name of the person who provided the training; 2) the date of the training session; 3) a description of the presenter's background and qualifications with respect to knowledge of Section 504, retaliation and investigative techniques; and 4) a copy of the agenda and the training materials disseminated.

The College 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 Section 504 implementing regulation at 34 C.F.R. §§ 104.4(a) and (b)(1)(i-iv, vii), 104.44 and 104.61. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 Resolution Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon signature of the College President or designee, below.

/s/

Signature of College President (or Designee)

11/29/18

(Date)

Printed Name of College President (or Designee)