

**Resolution Agreement**  
**Drake University**  
**OCR Complaint # 05-17-2039**

Drake University (University) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR) in resolution of OCR complaint #05-17-2039, to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability.

The University agrees to take the following actions:

1. By **May 30, 2017**, the University will review and revise, as necessary, its academic adjustments policies and procedures to include a provision requiring the initiation of an interactive process when a student with a disability requests a general policy modification or a program policy modification (policy modification). The College will submit the revised policies and procedures to OCR for approval. At a minimum, the policies and procedures will include the following components:
  - a. An interactive process, from the time of a student's initial request for academic adjustments and/or auxiliary aids and services, including policy modification(s), to the final determination of whether the request for adjustments/aids and services/policy modifications is granted or denied, and, if denied, whether there are other academic adjustments and/or auxiliary aids and services that will meet the student's need. The Office of Student Disability Services (OSDS) will lead, or be included at all times in, the interactive process.
  - b. The determination of all appropriate academic adjustments and/or auxiliary aids and services, including policy modification(s), for the student with a disability will include input from both the student and OSDS, in consultation with the academic counselors, faculty, and academic administration, as necessary. The University must determine appropriate academic adjustments, which may include a policy modification, on an individualized case-by-case basis using the interactive process.
  - c. Determinations as to whether granting a policy modification or other academic adjustments and/or auxiliary aids and services in lieu of a policy modification will cause a fundamental alteration to a particular program or course must be made using reasoned deliberation, including a diligent assessment of available options.
  - d. Students will be notified in a timely manner in writing of all specific adjustments or services, including policy modifications, that have been

approved and of any denial of requested adjustments or services and the reason(s) for the denial. The notice will inform them of the process that can be used to challenge the denial of requests.

- e. OSDS will fully document in the student's case file the date of the policy modification request, the nature of each request and any supporting documentation, the reason (s) for any denials, and the interactive process that occurred between the University and the student.
- f. The University will engage in a deliberative process for determining what course and/or program requirements are *essential* or whether a requested policy modification would fundamentally alter a course or academic program. This process will include OSDS, pertinent faculty, and academic administration, as necessary, to make such determinations after a careful, reasoned deliberation that includes a review of program or course requirements. The decisions and reason supporting them will be fully documented by the academic administration.

**REPORTING REQUIREMENT:** By **May 30, 2017**, the University will submit to OCR documentation verifying that it has implemented item 1 of the Agreement.

2. Within **thirty (30) days** after receiving approval from OCR, the University will provide notice to all students, faculty and staff of the revised procedures. The University will also publish the revised procedures on its website and in the 2017 – 2018 catalog, when the catalog is printed in 2017.

**REPORTING REQUIREMENT:** Within **thirty (30) days** after receiving approval from OCR, the University will submit to OCR documentation verifying that it has implemented item 2 of the Agreement and notify OCR when its 2017-2018 catalog will be printed.

3. By **September 30, 2017**, the University will train faculty on the University's revised policies and procedures in considering policy modifications as part of its process in providing academic adjustments and auxiliary aids and services to student with disabilities. The University will provide additional specific training to the counselors, OSDS staff and other University officials who have responsibility to implement and enforce the policies and procedures and their obligations to comply with Section 504.

**REPORTING REQUIREMENT:** By **September 30, 2017**, the University will submit to OCR documentation verifying that it has implemented item 3 of the Agreement.

4. By **May 30, 2017**, the University will remove the F grade for the Phar 185 course and the NC notation for the Phar 188 course from Student A's transcript and, if necessary, replace with a notation that does not negatively impact Student A's grade point average or financial aid award for that academic term.

**REPORTING REQUIREMENT:** By **May 30, 2017**, the University will submit to OCR documentation verifying that it has implemented item 4 of the Agreement.

5. By **May 30, 2017**, the University will extend an offer to Student A to begin an interactive process with him to consider his request for program policy exception and determine appropriate and effective academic adjustments that are supported by documentation and that do not fundamentally alter the essential requirements of the Phar 185 course and/or the Pharmacy D Program at the University.

**REPORTING REQUIREMENT:** By **June 30, 2017**, the University will submit to OCR documentation verifying that it has implemented item 5 of the Agreement.

6. If the University grants Student A a policy modification based on his disability to complete the requirements of the Pharmacy D program, by **July 15, 2017**, the University will notify Student A that it will allow Student A to retake at no cost the Phar 185 and 188 courses. It will also conduct an assessment to determine what remedial actions, including appropriate academic adjustments and/or auxiliary aids and services Student A requires to maintain currency of knowledge to successfully complete the Pharmacy D program, including the Phar 185 and Phar 188 courses.

**REPORTING REQUIREMENT:** By **July 15, 2017**, the University will submit to OCR documentation verifying that it has implemented the notification and assessment requirements in item 6 of the Agreement. By **January 30, 2018**, the University will submit to OCR documentation verifying that it has implemented the remaining requirements in item 6 of the Agreement.

---

Name/Title  
For Drake University

---

Date