

RESOLUTION AGREEMENT

Western Governors University OCR Case Number 08-17-2133

In order to resolve the issue in OCR case number 08-17-2133, filed against Western Governors University (University) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the University agrees to implement this Resolution Agreement. This case investigation was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. §§ 104.7-104.8, 104.44.

1. The Student will be notified that the February 28th and March 6th UFC1 course exams will not be counted toward the 4 attempt limit described in the University's Assessment Approval and Retake Policy. The University will provide a refund or tuition credit equal to the value of the credits associated with the UFC1 course for the term ended March 7, 2017.

REPORTING REQUIREMENT:

- Within 60 days of this Agreement, the University will submit to OCR documentation that it: (a) notified the Student about not counting the two exams toward an attempt limit; and (b) provided a refund or tuition credit to the Student.
2. The University will send the Student a letter allowing her to take the UFC1 assessment without additional fees before the end of her current term. If necessary, and after completing a faculty-specified preparation program, the Student may retake the exam during a subsequent term and the University will provide a refund or tuition credit equal to the value of the credits associated with the UFC1 course for that term.

REPORTING REQUIREMENT:

- Within 60 days of this Agreement, the University will submit to OCR documentation that it sent the Student this letter with the necessary information.
3. The University has raised and will implement the following procedures toward ensuring that testing accommodations are provided to students with disabilities in accordance with the requirements of Section 504:
 - a. Accessibility Services will check for scheduled exams when an accommodation modification is requested near the end of a student's term to determine if a term extension will be necessary to implement the modified accommodations. Term extensions will be communicated to students as soon as possible prior to the end of term.
 - b. Third-party proctors will receive enhanced training every 6 months on verifying student accommodations prior to the start of an exam;
 - c. To minimize the possibility of proctor error, within 30 days of this Agreement the University's testing system will be enhanced to allow Assessment Services to directly add accommodations before the start of an exam, especially extended exam time;
 - d. Within 30 days of this Agreement, the University will move from a weekly to a daily audit to ensure that proctors are providing approved accommodations. Any issues

identified will be escalated directly to the Assessment Services management who will work with Accessibility Services to identify the root cause and opportunities for improvement; and

e. To reduce the chance of human error, approved accommodations will be automatically transmitted with exam scheduling requests, rather than entered into proctoring system notes manually.

REPORTING REQUIREMENTS:

- a. Within 60 days of this Agreement, the University will submit to OCR a report outlining its progress toward implementing the changes outlined in Paragraphs 3(a) through (d) above.
- b. Within 120 days of this Agreement, the University will submit to OCR a report outlining its progress toward implementing the changes outlined in Paragraphs 3(e)

The University understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

For Western Governors University:

| | |
|-----------------------|-------------------------|
| _____/s/_____ Name | _____ 8/3/17 Date |
|-----------------------|-------------------------|

Title