

Voluntary Resolution Agreement
Conservatory of Recording Arts and Sciences
OCR Case Number 08-20-2325

The United States Department of Education (Department), Office for Civil Rights (OCR), initiated investigation of the above-referenced complaint brought by the Complainant's client (Applicant) against the Conservatory of Recording Arts and Sciences (Conservatory), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104 (Section 504), which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department.

During OCR's investigation, before OCR had made any findings, the Conservatory indicated its willingness to take steps necessary to ensure compliance with Section 504. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement.

Accordingly, to resolve the issues of this investigation, the Conservatory voluntarily agrees to take the following actions. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Conservatory.

Individual Remedies

1. **Within 25 days of signing this Agreement**, the Conservatory will offer the Applicant admission to the Conservatory and give the Applicant a minimum of 20 days' notice to accept or reject admission.

REPORTING REQUIREMENT 1: Within 45 days of signing this Agreement, the Conservatory will provide OCR with a copy of the offer of admission sent to the Applicant.

2. If the Applicant accepts the Conservatory's offer of admission, Conservatory staff will begin engaging in an interactive process with the Applicant regarding his requested accommodations and/or academic adjustments **within 10 days of the Applicant's acceptance of the offer**.

REPORTING REQUIREMENT 2: Within 90 days of signing this Agreement, the Conservatory will provide a record of all communications and/or meetings with the Applicant regarding his request for accommodations and a copy of the agreed upon accommodations/academic adjustments.

Policies and Procedures

3. **Within 75 days of signing this Agreement**, the Conservatory will review and revise, as

appropriate, its admissions and enrollment policies and procedures, including but not limited to its application for admission and the information regarding admissions on its website, to comply with Section 504 and its implementing regulations. The revised admissions/enrollment policies and procedures will, at a minimum, include the following:

- a. A statement that the Conservatory does not discriminate, on the basis of disability, in admissions or recruitment;
- b. Removal of any suggestion or requirement that applicants and/or prospective applicants notify admissions representatives about their disability and/or need for accommodations/academic adjustments prior to admission;
- c. Revision of the job descriptions for all employees in the admissions department to remove any responsibilities regarding prospective or current students' inquiries about or requests for accommodations/academic adjustments;
- d. Removal of the ADA acknowledgment on the Conservatory's application for admission and all questions regarding an applicant's disability, "challenges as a student," and/or need for accommodations/academic adjustments;
- e. Removal of any requirement that students restart the admissions process after they request accommodations/academic adjustments;

REPORTING REQUIREMENT 3: Within 75 days of signing this Agreement, the Conservatory will provide a copy of all documents related to its admissions/enrollment processes to OCR for review and approval, including but not limited to its revised admission and enrollment policies and procedures, application for admission, job descriptions for all employees in the admissions department, and information regarding admissions on its website.

4. **Within 75 days of signing this Agreement**, the Conservatory will review and revise, as appropriate, its non-discrimination and accommodation/academic adjustment policies and procedures, including but not limited to its "ADA Policy," to comply with Section 504 and its implementing regulations. The revised policies and procedures will, at a minimum, include the following:
 - a. A statement that the Conservatory does not discriminate, on the basis of disability, in admissions or access to, or treatment or employment in, its program or activity;
 - b. Procedures to timely identify necessary accommodations/academic adjustments, which include an interactive process between a trained Conservatory administrator, such as a Disability Services Officer or the Section 504 Coordinator, and the requesting student with a disability; and effective alternatives if a requested accommodation is denied;
 - c. Removal of any waiver of the right to accommodations/academic adjustments and/or deadline for requesting accommodations/academic adjustments;
 - d. Grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging disability discrimination;
 - e. A statement that the Conservatory will not retaliate, intimidate, threaten, coerce, or

interfere with any individual in the exercise or enjoyment of any right protected by Section 504 and its implementing regulations;

- f. Revision of any discussion of the rigors, tasks, skills, or abilities required in the audio recording industry and/or in the Conservatory's program to include the availability of accommodations/academic adjustments for people with disabilities; and
- g. Designation of at least one person to coordinate the Conservatory's efforts to comply with Section 504.

REPORTING REQUIREMENT 4: Within 75 days of signing this Agreement, the Conservatory will provide a copy of its revised non-discrimination and accommodation/academic adjustment policies and procedures to OCR for review and approval, including the name of the Conservatory's Section 504 Coordinator.

5. **Within 15 days of OCR's approval of the Conservatory's revised admissions, enrollment, non-discrimination, and accommodation/academic adjustment policies and procedures,** the Conservatory will publish and disseminate the revised policies to all current students and staff using its standard methods for disseminating new information and procedures that impact the Conservatory's students and staff.

REPORTING REQUIREMENT 5: Within 15 days of full dissemination of the approved policies, the Conservatory will provide OCR documentation demonstrating the completion of this item.

Training

6. **Within 75 days of OCR's approval of the Conservatory's revised admissions, enrollment, non-discrimination, and accommodation/academic adjustment policies and procedures,** the Conservatory will provide for OCR's review and approval training materials for all administrators, admissions representatives, and staff and the name and qualifications of the individual who will provide the training. The training materials must address, at a minimum, Section 504's prohibition of discrimination against people with disabilities, prohibition on pre-admission inquiries regarding disability, requirements for an interactive process to determine accommodations/academic adjustments for students with disabilities, and prohibition on retaliation, as well as the Conservatory's new admissions, enrollment, non-discrimination, and accommodation/academic adjustment policies and procedures. The Conservatory may reach out to OCR or any qualified provider for training resources.

REPORTING REQUIREMENT 6A: Within 45 calendar days of OCR's approval of the draft training materials, the Conservatory will provide the training to all administrators, admissions representatives, instructors, and staff of the Conservatory. The training may be conducted online.

REPORTING REQUIREMENT 6B: Within 15 calendar days of providing the training to the individuals identified in Reporting Requirement 6A, the Conservatory will provide OCR with (1) the names and job titles of persons attending

the training; (2) the date and the agenda for the training; and (3) a copy of any materials distributed at the training.

Audit

7. **Within 105 days of signing this Agreement**, the Conservatory will conduct an audit of all students who contacted the Conservatory's admissions department between July 1, 2019 and June 30, 2020 and were dissuaded from applying to the Conservatory and/or applied to the Conservatory during that time frame, were denied admission, or had their admission/enrollment cancelled or revoked, to determine whether the Conservatory possessed information regarding the student's disability and/or need for accommodations/academic adjustments. For any student who was dissuaded from applying, denied admission, or had their admission/enrollment cancelled or revoked because of the Conservatory's consideration of the student's disability or request for accommodations, the Conservatory will contact the student, invite the student to reapply, and provide the Conservatory's revised admissions, enrollment, non-discrimination, and accommodation/academic adjustment policies and procedures.

REPORTING REQUIREMENT 7: Within 135 days of signing this Agreement, the Conservatory will provide OCR with an explanation detailing all the efforts it made to meet Term 7. At a minimum, the Conservatory will provide OCR with the number of students who were dissuaded from applying, denied admission, or had their admission/enrollment cancelled or revoked as described above from July 1, 2019 to June 30, 2020, and the number of these students who inquired about accommodations and/or indicated that they have or may have a disability. For each student, the Conservatory will provide its justification for denying or revoking admission/enrollment, whether the student was invited to reapply to the Conservatory, and the student's response, if any.

The Conservatory 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 Conservatory understands that during the monitoring of this Agreement, if necessary, OCR may visit the Conservatory, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Conservatory has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.61, 104.7, 104.8, 104.42, 104.43, 104.44, which were at issue in this case.

The Conservatory understands that OCR will not close the monitoring of this Agreement and dismiss the case until OCR determines that the Conservatory has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.61, 104.7, 104.8, 104.42, 104.43, 104.44.

The Conservatory understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or

judicial proceedings to enforce the Agreement, OCR shall give the Conservatory written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the Conservatory of Recording Arts and Sciences:

/s/

12/14/2020

Kirt Hamm
Administrator
Conservatory of Recording Arts and Sciences

Date