

**Voluntary Resolution Agreement**  
**University of Denver**  
**OCR Case Number 08-21-2006**

The United States Department of Education (Department), Office for Civil Rights (OCR), initiated investigation of the above-referenced complaint against the University of Denver (University), 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, and the Age Discrimination Act of 1975 and its implementing regulation, which prohibit discrimination on the basis of age, under certain circumstances, in programs or activities that receive Federal financial assistance from the Department.

During OCR's investigation, before OCR had made findings on all the allegations, the University indicated its willingness to take steps necessary to ensure compliance with Section 504 and the Age Discrimination Act. 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 University voluntarily agrees to take the following actions. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University.

**Internal Investigation**

**Within 90 business days of signing this Agreement**, the University will conduct a "formal investigation" pursuant to Section 13 of the University's 2019-2020 Office of Equal Opportunity & Title IX Procedures of the following three allegations made by the Complainant:

1. Professor XXX subjected him to disparate treatment based on his disability and age, particularly with respect to grading and evaluation of his writing;
2. Professor XXX subjected him to disparate treatment based on his disability and age by grading him harshly, expecting less of him than other students, and communicating with him a more critical, harassing, disrespectful, and unprofessional manner than other students; and
3. Professor XXX subjected him to harassment based on his disability and age by communicating with him in a critical, harassing, disrespectful, and unprofessional manner.

The University may rely on information obtained in its inquiry of the Complainant's March 2020 complaint of disability and age discrimination as well as information obtained in response to the Complainant's April 2020 grade appeal and may use the same investigators if it chooses.

OCR recommends that the University's formal investigation include the following elements, where possible:

1. Compliance with all requirements for investigations set forth in Section 13 of the University's Office of Equal Opportunity & Title IX Procedures;
2. Review and analysis of the tone and manner in which the two professors' communicated verbally and in writing through email and discussion posts with younger and non-disabled students as compared to the Complainant;
3. Review and analysis of the two professors' expectations for younger and non-disabled students as compared to the Complainant;
4. Review and analysis of the two professors' evaluation of the writing (in papers and discussion posts) of younger and non-disabled students as compared to that of the Complainant;
5. Interviews of at least two students in both classes;
6. Interview of XXX regarding her review of the professors' communications with the Complainant and assessment of his work;
7. Interview of Professor XXX;
8. Follow-up interview of Professor XXX that addresses, at a minimum, her comments about the Complainant's health and actual and potential disabilities, the tone in her communications with the Complainant, and her concerns about the Complainant's ability to complete the course requirements; and
9. An opportunity for the Complainant to respond to or rebut the information obtained.

**REPORTING REQUIREMENT: Within 15 business days of the conclusion of the University's investigation,** the University will provide OCR with a copy of its final investigative report as well as its complete investigative file regarding the Complainant's complaint of discrimination, including but not limited to any interview notes, correspondence regarding the Complainant's allegations or the University's investigation of the allegations, documents reviewed in connection with the investigation, draft reports, and any corrective action taken. There is no need to provide OCR with documents already provided in response to OCR's data request.

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 Section 504, Title II of the Americans with Disabilities Act, and the Age Discrimination Act and their implementing regulations.

The University understands that OCR will not close the monitoring of this Agreement and dismiss the case until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II of the Americans with Disabilities Act, and the Age Discrimination Act and their implementing regulations.

The University 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 University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the University of Denver:

/s/

5/21/21

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Mary Clark  
Provost and Executive Vice Chancellor  
University of Denver

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Date