

**RESOLUTION AGREEMENT**  
**University of Colorado Anschutz**  
**OCR Case 08-21-2156**

In order to resolve the allegations in OCR Case 08-21-2156, filed against University of Colorado Anschutz (University) and opened for investigation by the U.S. Department of Education (Department), Office for Civil Rights (OCR), the School agrees to implement this Resolution Agreement (Agreement).

The University assures OCR that the School will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation which prohibit recipients of federal funding from the Department from discriminating based on disability.

During the investigation, before OCR made findings, the University indicated its willingness to voluntarily resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. The University's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

Accordingly, the University voluntarily agrees to take the steps outlined in this Resolution Agreement to ensure that the University does not discriminate against the Complainant (Student) based on her disability or retaliate against her by preventing her from returning to medical school.

**Review of Policies and Procedures**

1. The University will review and revise, if necessary, its current policies and procedures to ensure that disability-related services are provided to qualified students in accordance with Section 504 and its implementing regulations at 34 C.F.R. Part 104. The policies and procedures must ensure the following:
  - a. the University will engage in an individualized, interactive process with each student request for academic adjustments and avoid blanket statements or policies regarding academic adjustment;
  - b. students must not be put in the place of requesting academic adjustments more than once and must not be left to negotiate their adjustments with faculty;
  - c. the decision of whether an academic adjustment may fundamentally alter an essential course/program objective must be made by a group of knowledgeable and trained individuals at the University within the program and the Office of Disability Access and Inclusion (ODAI)<sup>1</sup>;
  - d. the group considering the academic adjustment request pursues a thoughtful,

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<sup>1</sup> The Office of Disability Access and Inclusion (ODAI) was formerly called the Office of Disability Resources and Services (DRS).

careful, rational review of the course/program essential objectives and requirements; and

- e. the group considers a series of alternatives and modifications that does not fundamentally alter the course/program even if it is not the academic adjustment originally requested.

The University will consider recommendations from OCR and make necessary changes to ensure the policies and procedures are in compliance with Section 504.

### **REPORTING REQUIREMENT:**

By January 30, 2022, the University will submit to OCR its policies and procedures for reviewing student requests for academic adjustments. If OCR determines the policies and procedures require revision, the University will promptly and fully respond to OCR's concerns, if any, until OCR notifies the University that the concerns are resolved and the policies and procedures are approved.

Within 30 calendar days of OCR's approval of the revised policies and procedures, the University will certify to OCR that it has formally adopted the revised documents, published them in the appropriate places on its website, and provided notice to students, faculty, and staff members of the revised policies and procedures. The University will provide a copy of the notice to OCR.

### **Training**

2. The University will provide training to pertinent School of Medicine staff members<sup>2</sup> on the University's obligation to provide academic adjustments, auxiliary aids, and program modifications to qualified students in accordance with Section 504 and its implementing regulation at 34 C.F.R. Part 104. If the University's policies and procedures are updated pursuant to Term 1 of this Agreement, ODAI staff members will also participate in this training.

The training will include how to properly analyze student requests for academic adjustment and highlight the importance of ensuring that students and staff are aware of students' rights to academic adjustment, as well as each of the topics listed under Term 1.

### **REPORTING REQUIREMENT:**

Within thirty (30) calendar days of OCR approving the University's revised policies and procedures as described in Term 1, The University will provide a draft training plan to OCR for review and approval that includes the training materials and identifies the trainer(s) and their credentials for providing the proposed training. The University will also provide a list of staff

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<sup>2</sup> Pertinent staff members are defined as those individuals who play a prominent and recurring role in implementing academic adjustments, auxiliary aids, and program modifications.

who will be attending the training for OCR review and approval.

Within sixty (60) calendar days of receiving OCR's approval of the training materials and trainer(s), the University will provide OCR with a report demonstrating that it has provided the requisite training. The report will include a description of the content covered, who provided the training, and a list of the participants.

### **Individual Remedies for the Student**

3. Upon the Student's return to school, the University will consider any request for academic adjustments based on the Student's disability and needs at that time. The University will utilize its process through the ODAI to properly determine if it can provide the Student with her requested academic adjustments in both the classroom and clinical settings. The University will not invoke Term 5 of the Settlement Agreement it entered into with the Student on XXX, to limit the Student's right to request academic adjustments.

### **REPORTING REQUIREMENT:**

The University will keep OCR apprised of the Student's status as it relates to her return to school. The University will send a minimum of three reports to OCR to provide relevant updates including but not limited to whether the Student has returned to school, if she has requested academic adjustments, and summarizing its review process of the Student's requests. The reports are due on the following dates:

- May 15, 2022
- September 15, 2022
- January 15, 2023

OCR will monitor this Agreement through January 2023 and will determine at that point if additional status reports or other monitoring is required.

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 will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 the Agreement, if necessary, OCR may visit the University, interview University employees 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 and its implementing regulations, which were at issue in this case.

