

**Agreement to Resolve
University of San Francisco
OCR Case No. 09-13-2382**

In order to resolve the allegations raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights under Section 504 of the Rehabilitation Act of 1973, and without admitting to any violation of the law, the University of San Francisco agrees to the following:

1. Point Person. Student Disability Services (SDS) will assign a Student Disability Specialist to the Student, as it does for each registered student. The Disability Specialist will be the Student's primary University contact regarding his academic adjustments and auxiliary aids (collectively, accommodations). The Disability Specialist will ensure that the Student's accommodations are in place and will work in collaboration with other individuals in the University as needed to carry out the accommodations. If the Student finds that he is not receiving accommodations approved by SDS, he will inform his Disability Specialist so that the University may take appropriate steps to resolve the issue. The Disability Specialist will perform the functions described in item two, below, and, consistent with the duties and responsibilities of a Disability Specialist described in Attachment A, coordinate the Student's testing accommodations; provide the Student with academic counseling, guidance and advice; and ensure any third parties employed to implement the Student's approved accommodations (e.g., scribes, readers, lab assistants, note takers) are qualified and timely hired. Student Disability Services will provide the Student with advance notice should there be a change in the Disability Specialist.

On May 15 and December 15 of each year for as long as this Agreement is in effect, the University will provide to OCR a copy of the Student's accommodations agreement and confirm that the University has assigned a Disability Specialist to provide the Student the services described in this Agreement. The University will inform the OCR if there is a change to Disability Specialist.

2. Interactive Process. The University will engage the Student in an interactive process to determine the accommodations necessary to ensure the Student has equal access in the University's program. The University and the Student will memorialize the agreed-upon accommodations in a written plan to be included in the Student's Profile in SDS's online database, and will include sufficient detail to eliminate past ambiguities about the specific accommodations to be provided (e.g., the duties, role and qualifications of scribes, readers, lab assistants, note takers, or others). If the Student finds that the agreed-upon accommodations are not effective, he will inform his Disability Specialist so that the University may reengage him in the interactive process to resolve the problem. The Disability Specialist will consult with the Student on an ongoing basis to ensure the University is providing his approved accommodations and assess the effectiveness of the accommodations.

By July 31, 2014, the University will provide the written accommodations plan to OCR.

3. Accommodations. The University will arrange for an individual with Computer Science expertise to work with the Student on a regular basis throughout the spring 2014 semester

to help identify and evaluate potential accommodations for the Student in the University's Computer Science program. This individual and the Student will explore possible accommodations while learning concepts, performing work and using programs used in Computer Science 110 (CS 110), in which the Student intends to enroll for the fall 2014 semester.

By March 31, 2014, the University will confirm to OCR in writing that an individual with appropriate expertise is working with the Student on a regular basis.

4. SDS Staff Training. The University represents that, through its SDS Department it has trained and informs all instructors on how to accommodate and work with vision impaired students without prior problems. The University will nonetheless arrange for an outside expert to provide an in-service to SDS staff and other interested University personnel on accommodating blind and vision-impaired students. Before the first day of any course in which the Student enrolls, SDS staff will provide guidance to the Student's instructor on his disability and approved accommodations, drawing on their existing expertise and the knowledge acquired through the training.

By September 5, 2014, the University will provide OCR with evidence that the required training was provided to SDS staff. By September 15, 2014 and before the first day of each future semester for as long as this Agreement is in effect, the University will confirm to OCR that the Student's instructor(s) for that semester have received training.

5. Instructor Training. If the University employs the instructor who taught the CS 110 course in which the Student was enrolled at the start of the fall 2013 semester (Instructor One) to teach at the University in the future, the University will first require the instructor to take University-provided training on: (a) the legal obligations of instructors to provide accommodations approved by SDS to students with disabilities, and (b) the University's prohibition of disability-based harassment.

Before the first day of any future semester for as long as this Agreement is in effect, during which Instructor One will teach at the University the University will provide OCR evidence that it provided the required training.

6. Fees. The University will refund the Student \$277 that he paid to the University pursuant to a February 24, 2014 bill received from the University's Collections Department.

By May 15, 2014, the University will confirm to OCR that it has reimbursed the Student.

7. Transcript. The University will remove from the Student's transcript the Withdrawal or "W" from the fall 2013 semester.

By May 15, 2014, the University will provide OCR with the Student's transcript as evidence of this change.

8. Guidance Memorandum to Faculty: The College will distribute a memorandum to all faculty members at the University communicating the following:

- a. It is the responsibility of all faculty to provide accommodations for students with disabilities that have been approved by SDS. Faculty may not unilaterally deny or modify approved accommodations.
- b. Students are not required to negotiate with faculty about the provision of accommodations that have been approved by SDS.
- c. If a faculty member receives an accommodation form and doesn't understand or agree with the accommodation, it is the faculty member's professional responsibility to contact SDS to discuss the issue.
- d. Pending the resolution of any dispute by the faculty member regarding an accommodation, the accommodation will be provided.
- e. Whom to contact if the faculty member has any questions about accommodations.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled its terms and is in compliance with the regulations implementing Section 504 and its implementing regulations. The University understands that OCR will close the monitoring of this Agreement after the University has provided documentation that it has complied with the terms of this Agreement. 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 a minimum of 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 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 the regulations implementing Section 504 and Title.

University of San Francisco

By: _____/s/_____

Date: 04/09/2014

Title: General Counsel

ATTACHMENT A DISABILITY SPECIALIST JOB DESCRIPTION

POSITION TITLE: Disability Specialist, Student Disability Services

SUPERVISOR: Assistant Dean, Student Disability Services

FTE: 1.0 (12 months, full-time)

GENERAL SCOPE OF POSITION:

Reporting directly to the Assistant Dean of Student Disability Services, (SDS) the Disability Specialist in SDS is responsible for coordinating accommodations and services for USF students with disabilities. The position serves as the disability specialist for USF students with disabilities, interprets disability documentation to determine appropriate academic accommodations for students, manages student caseload, provides academic and study-skills assistance to students with disabilities, supervises student assistants, and provides additional advising and disability documentation for all licensing and graduate school admissions tests, (e.g. LSAT, GMAT, GRE, MCAT, MSAT, CA Nursing Boards, etc.).

As a member of the larger staff in Student Life, the Disability Specialist collaborates and cooperates to create leadership and intercultural competence opportunities to support student learning and development in the Jesuit Catholic tradition. The mission of Student Life is to fully support holistic student development within a social justice framework centered in preparing students to be caring, socially responsible citizens in our global and local community.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

- Consistent with University policy and state and federal guidelines, including AD A and Section 504 regulations, arranges for the provision of appropriate and reasonable accommodations through the SDS intake and eligibility process to facilitate student access to University programs, services, and activities
- Evaluates psycho-educational assessments, medical and other disability documentation to determine eligibility status
- Coordinates all testing accommodations for students with disabilities, including hiring and supervising proctors, reserving rooms, creating and maintaining testing files, supervises all proctored exams in the office and maintains test files and security
- Performs screening and psycho-educational evaluations using various psycho-educational assessment instruments
- Provides academic counseling, guidance, and advising to students with disabilities.
- Works one-on-one with students with disabilities to provide study skills training, disability awareness, coaching, and disability management strategies.
- Responsible for disability program records and publications; including developing and maintaining such items as forms, brochures, information pieces, and other publications.
- Helps maintain the Student Disabilities Services website
- Helps maintains SDS database (e.g., student directory, student files) for day to day running of SDS and for long term statistical records.
- Coordinates program evaluations and statistical record keeping, specifically: devises and evaluates methods and procedures for collecting data (such as surveys, opinion polls, or questionnaires), or arranges to obtain existing data; collect and analyze data on student demographics, needs, and accommodations to measure effectiveness of SDS programs and services
- Conducts research in collaboration with faculty and other staff members to improve student retention, academic success and graduation rates

- Educates the University community on postsecondary disability service issues and disability awareness topics through faculty trainings, workshops, and arranging for guest speakers
- Collaborates with other SDS colleagues in development and implementation of student outreach programs such as Disability Awareness Week, Workforce Recruitment Program, etc.
- Assists Student Life colleagues in planning and facilitating the University's New Student Orientation and USF's Graduation programs
- Assists the SDS Assistant Dean/Director of SDS, Associate Director, and with office operations as needed; including hiring and supervising student assistants and SDS tutors and note takers
- Represents SDS office at school/college events on campus and at regional campuses; represents the University at workshops presented to student, parents and others, as well as off campus recruitment events
- Serves as a resource to other staff, students, and alumni in interpreting policies and procedures relating to SDS services and programs
- Attends professional conferences and training
- Assists the Assistant Dean/Director of SDS and Associate Director with all day-to-day office functions
- Performs other duties as assigned

QUALIFICATIONS:

- Master's Degree in counseling, education, social work, rehabilitation administration, or other related field required
- Three to five years of experience working with college students with disabilities strongly preferred
- Demonstrated ability to work effectively and efficiently with diverse colleagues and students and the wider community
- Experience reviewing and evaluating psycho-educational assessments, medical, and other disability documentation to determine eligibility and appropriate reasonable accommodations preferred
- Extensive knowledge of the ADA is required
- Ability to effectively coordinate department and programs delivering a wide variety of services and programs to diverse populations
- Excellent interpersonal skills; including ability to develop and maintain effective, collaborative professional relationships with staff and faculty colleagues
- Excellent listening and organizational skills; ability to communicate effectively both orally and in writing with diverse populations
- Strong customer service orientation; ability to interact with a variety of constituencies both on- and off-campus