

## **Voluntary Resolution Agreement**

University of California, San Diego

OCR Case No. 09-17-2145

In order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) in the investigation of the above-referenced complaint filed against the University of California, San Diego (University) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), the University agrees to take the actions in this Voluntary Resolution Agreement (Agreement).

The University believes that it is in full compliance with all applicable federal civil rights laws and regulations, and the parties agree that this Agreement does not constitute a finding or admission that the University has not complied with any law or regulation. However, to resolve this investigation, the parties agree to the terms of this Agreement.

### **I. Guidance Memo and Intake Procedures**

- a. The University agrees to develop, or revise if in existence already, a guidance memo to be distributed to all staff, including volunteers and interns, in its Office for Students with Disabilities (OSD) regarding engaging in the interactive process. The memo shall include 1) information about the University's policies and procedures for determining and providing accommodations, 2) a description of the interactive process with relevant examples; 3) a reminder that accommodations determinations cannot be made until an OSD specialist has reviewed all information submitted by a student and that such denials can only be made consistent with 34 C.F.R § 104.44(a) and 28 C.F.R § 130(b)(7), and 4) if a student disagrees with a denial, the process for submitting a grievance to obtain further review.

#### **Reporting Requirement**

By March 1, 2018, the University will provide OCR with a draft of the guidance memo described in to section I.a. for OCR's review and approval. Within thirty (30) days of OCR's review of the memo, the University will distribute the memo to OSD staff, including volunteers and interns, and inform OCR that it has done so.

- b. The University agrees to review the information provided by OSD to students during the accommodations process to ensure that students are fully informed of necessary or required documentation and how to obtain it. The review shall ensure that significant

terms such as “functional limitations” are explained, and to revise any information accordingly. If not in existence already, the University shall develop a checklist or similar document to be provided to Students during the accommodations intake process that details the steps for requesting accommodations and includes information about required documentation and relevant deadlines, as well as a checklist or similar document for OSD staff who provide intake services that details the steps of the OSD intake procedure including the steps required to authorize accommodations.

Reporting Requirement

By March 1, 2018, the University will provide OCR with copies of any revised or developed checklists as described in to sections I.b. for OCR’s review and approval. Within 30 days of OCR approval of the checklists, the University shall begin using them as well as make the checklist for students available on the OSD website.

**II. Notification of Grievance Procedures**

- a. The University agrees to revise the document, “Reminders for Students Obtaining Accommodations” to include that disagreements over accommodations can be grieved through the University’s disability-based discrimination grievance procedures, and to post the revised document on the OSD webpage. The University also agrees to post on the OSD webpage in another relevant location that disagreements over accommodations determinations can be grieved through the University’s disability-based discrimination grievance procedures.

Reporting Requirement

By March 1, 2018, the University will provide OCR with a copy of the revised “Reminders for Students Obtaining Accommodations” for review. Within 30 days of OCR’s review and approval, the University will posted the revised document on the OSD website, as well as post that on the OSD website in another location that disagreements over accommodations can be grieved through the University’s disability-based discrimination grievance procedures.

- b. If there is not currently such a practice, the University agrees that OSD will send to all students who fail to pick up their AFA letters a copy of the document “Reminders for Students Obtaining Accommodations” within seven (7) business days after the AFA notification.

Reporting Requirement

By March 1, 2018, the University will provide assurances to OCR that it currently has the practice described in section II.b., or if not that it will adopt it, and that this information will be included in the description of the University's policies and procedures for determining and providing accommodations included in the guidance memo described in section I.a.

### **III. Individual Remedy**

The University agrees to provide the Student, in advance of the start of each course that she is enrolled in, with a copy of the syllabus and any handouts for her to review. The Student may review these documents with her OSD specialist or another OSD staff member as necessary. For classes without a syllabus, the University agrees that an OSD staff member will facilitate a conversation between the Student and her instructor with the goal of the instructor and Student developing a document that details course assignments, deadlines, and other due dates to help the Student organize and schedule her schoolwork.

### **IV. General Monitoring Provisions**

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the University understands that during the monitoring of this Agreement, 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 Section 504 and Title II and their implementing regulations, which were at issue in this case. Upon completion of the reporting requirements under this Agreement, OCR shall close and dismiss this case.

The University understands that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement to the extent and in the manner authorized by law. 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.

By: \_\_\_\_\_/s/\_\_\_\_\_

Date 01/17/2018

Pradeep K. Khosla  
Chancellor, University of California San Diego