

Resolution Agreement
Brandman University
OCR Case No. 09-20-2004

In order to resolve the finding(s) of non-compliance made and the compliance concerns raised by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against Brandman University (University) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, the University agrees to take the actions in this Resolution Agreement (Agreement).

I. Late Assignment Policy Revision

The University will revise its Master of Social Work (MSW) Program policy for late assignments so that it complies with 34 C.F.R. §104.44(a). The revisions will include the following:

- A. A statement that the University does not discriminate on the basis of disability and recognizes that a student with a disability may need additional time to complete assignments, and may contact the University's Office of Accessible Education (OAE) to request an accommodation of an extension of time to submit assignments.
- B. A statement that a student with an approved accommodation of an extension of time will not be penalized for submitting a late assignment, and has the opportunity to earn full credit for each late assignment, provided that the student abides by the terms of the approved accommodation.
- C. **Reporting Requirement:** By **October 5, 2020**, the University will provide OCR with a draft of the revised MSW Program late assignment policy, for OCR's review and approval. Within 30 days of OCR's review and approval, the University will implement the revised policy and provide notice of it to all MSW students and MSW faculty by sending an email with a link to the revised policy; and posting the revised policy on the University's website, and in the MSW Program's handbook and anywhere else where the policy is currently posted.

II. Disability Discrimination Grievance Procedures

- A. The University will create a protocol for how it will address complaints from students regarding alleged disability discrimination which will include a description of when a complaint triggers the University's formal discrimination complaint investigation process and when a complaint, such as troubleshooting issues related to approved

accommodations, can be resolved through OAE. The University will provide guidance to staff in the Ombudsman's office and in OAE regarding the implementation of this protocol.

- B. The University will revise its online Complaint Policy and OAE Policy Statement (policies) to clarify the processes for filing a complaint of disability-based discrimination, and for resolving issues related to trouble-shooting the provision of approved accommodations. The policies will include a statement regarding the University's commitment to promptly and equitably resolving such complaints; the prohibition against retaliation against an individual who files a complaint or participates in an investigation of disability-based discrimination; descriptions of the University's formal complaint process for complaints of disability-based discrimination, and of the process for resolving and trouble-shooting issues related to the provision of accommodations and modifications to students with disabilities; as well as information about how to make complaints including any specific required grievance procedures. The University will also include this information in its Academic Course Catalog, as well as anywhere else that the University's grievance procedures/complaint policies are posted.
- C. Reporting Requirement: By **October 30, 2020**, the University will provide OCR with a draft of the protocol referenced in Section II.B of this Agreement, as well as a draft of the revised online Complaint Policy and OAE Policy Statement, for OCR's review and approval. Within 30 days of OCR's review and approval, the University will implement the revised policies and protocols and provide notice of them to all MSW students and faculty by sending an email with a link to the revised policy; and posting the revised policies on the University's website, and in the Academic Course Catalog, in the University's other statements relating to discrimination, and anywhere else where they are currently posted.

III. Training on Section 504's Prohibition Against Retaliation

- A. The University will facilitate a training on Section 504's prohibition on intimidating, threatening, coercing, or otherwise discriminating against individuals in retaliation for engaging in activities protected by Section 504.
- B. The training will be required for all MSW Program instructional staff, MSW Program deans, and the Director of Student Conduct and Compliance; the University may designate other staff attendance requirement if appropriate. This training may be incorporated into other training on related topics.
- C. Reporting Requirement: By **October 30, 2020**, the University will submit a draft of the training materials, and title/name of the proposed trainers as described in Section III.A. of

the Agreement for OCR's review and approval. Within 60 days of OCR's approval, the University will provide the training required in Section III.A. of the Agreement to the individuals identified in Section III.B. of the Agreement.

- D. Reporting Requirement: Within 15 days of providing the training required in Section III.A. of the Agreement, the University will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a copy of the sign-in sheets evidencing that the individuals identified in Section III.B. of the Agreement attended the training. The University will also provide OCR with the names of any employees who did not attend the training but were required to attend by the Agreement; a plan for providing the training to them within 30 days; and confirmation that it has done so.

IV. Guidance Memo on Section 504's Prohibition Against Retaliation

- A. The University will issue a guidance memo containing information about Section 504's prohibition on intimidating, threatening, coercing, or otherwise discriminating against individuals in retaliation for engaging in activities protected by Section 504, including filing a complaint or participating in an investigation. The guidance memo will also include information about the University's grievance procedures for complaints of retaliation. The guidance memo will be distributed to all MSW Program students, faculty, and staff.
- B. Reporting Requirement: By **October 30, 2020**, the University will submit a draft of the guidance memo described in Section IV.A. of the Agreement for OCR's review and approval. Within 30 days of OCR's approval, the University will issue the guidance memo.

V. Individual Remedies

- A. Within 30 days of the date of the execution of this Agreement, OAE staff will meet with the Student and review her approved accommodation of an extension of time to submit an assignment for each of her current and remaining classes, inform her that her extension accommodation applies without penalty and with opportunity to earn full credit for all assignments including discussion board posts and responses and, if necessary, update the length of the extension accommodation as appropriate.
- B. Reporting Requirement: Within 10 days of meeting with the Student, the University will inform OCR that it has done so as well as will provide OCR with a copy of the Student's updated accommodations notification letter.

The University understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the University understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the University's satisfaction of the commitments made under the Agreement, OCR will close the case.

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

FOR BRANDMAN UNIVERSITY

By: _____/s/_____

Date 08/25/2020