

**Resolution Agreement  
American University of Health Sciences  
OCR Case No. 09-20-2413**

The American University of Health Sciences (University), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns, identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations in the above-referenced OCR case number.

**I. Guidance Memorandum and Training**

- A. The University will issue a written guidance memorandum and facilitate training for all staff in the Office of Student Services and University professors in the University's nursing program, including the XXXXXXXXXXXX XXX Professor, who have the responsibility for implementing students' approved academic adjustments in the classroom. Administrators responsible for the Office of Student Services and University professors, as well as any administrator who may receive disability-related complaints, are also required to receive the guidance memorandum and training. The guidance memorandum and training will review the University's obligations with regard to Section 504. The guidance memorandum and training will include the following topics:
1. The University's, including University employees', legal obligations and responsibilities under Section 504, including, but not limited to, the need to participate in an interactive process with a student with disabilities and provide approved academic adjustments;
  2. The University's policy and procedures regarding the implementation of students' approved academic adjustments and potential consequences for failing to implement them;
  3. The name and contact information of the person(s) assigned to respond to students' and University professors' concerns regarding the implementation of students' approved academic adjustments, and
  4. The name and contact information of the University's Section 504 Coordinator.
- B. The University will develop a new or revised policy and procedure for responding to student complaints that a professor is not implementing an approved academic adjustment. The University will issue a written guidance memorandum and facilitate training for all staff in the Office of Student Services, administrators who oversee the Office of Student Services and University professors, and administrators who may receive disability-related complaints regarding this new or revised policy and procedure.

### C. Reporting Requirements

1. By January 31, 2021, the University will submit a draft of the guidance memorandum, training materials, and title(s)/name(s) of the proposed trainer(s), as described in Section I.A. of the Agreement, for OCR review and approval.
2. Within 90 days of OCR's approval of the Section I.A. guidance memorandum and training materials, the University will issue the OCR-approved guidance memorandum and provide the OCR-approved training required in Section I.A. of the Agreement.
3. Within 15 days of issuing the OCR-approved Section I.A. guidance memorandum, the University will provide OCR with a report and documentation substantiating the date the OCR-approved guidance memorandum was distributed to the required guidance memorandum recipients, as described in Section I.A. The report and documentation will include the names and titles of the guidance memorandum recipients, and for recipients who are professors, the class(es) they teach.
4. Within 15 days of providing the OCR-approved Section I.A. training, the University will provide OCR with the following documentation: (i) the dates of the training; (ii) the name(s) and title(s) of the trainer(s); (iii) a copy of any materials used or distributed during the training; (iv) sign-in sheets evidencing the University employees who attended the training; (v) a list of the required University who did not attend the training, if applicable; and, (vi) a plan for providing follow-up for those required employees who did not attend, if applicable.
5. By January 31, 2021, the University will submit its draft policy and procedure as described in Section I.B. of the Agreement to OCR for review and approval.
6. Within 45 days of receiving OCR's approval of the Section I.B. policy and procedure, the University will provide OCR with documentation that it adopted and distributed the OCR-approved policy and procedure by: (i) posting the policy and procedure on the University's website; (ii) publishing them in any written materials, such as student and staff handbooks; and, (iii) emailing all staff and students with a link to the policy and procedure and information about upcoming training and/or guidance regarding these materials.
7. By January 31, 2021, the University will submit a draft of the guidance memorandum, training materials, and title(s)/name(s) of the proposed

trainer(s) as described in Section I.B. of the Agreement for OCR review and approval.

8. Within 90 days of OCR's approval of the Section I.B. guidance memorandum and training materials, the University will issue the OCR-approved guidance memorandum and provide the OCR-approved training required in Section I.B. of the Agreement.
9. Within 15 days of issuing the OCR-approved Section I.B. guidance memorandum, the University will provide OCR with a report and documentation substantiating the date the OCR-approved guidance memorandum was distributed to the required guidance memorandum recipients, as described in Section I.B. The report and documentation will include the names and titles of the guidance memorandum recipients.
10. Within 15 days of providing the OCR-approved Section I.B. training, the University will provide OCR with the following documentation: (i) the dates of the training; (ii) the name(s) and title(s) of the trainer(s); (iii) a copy of any materials used or distributed during the training; (iv) sign-in sheets evidencing the University employees who attended the training; (v) a list of the required University who did not attend, if applicable; and, (vi) a plan for providing follow-up for those required employees who did not attend, if applicable.

## **II. Individual Remedies**

- A. The University will offer the Complainant the option to either expunge XXXXXXXXXXXX XXX from her transcript or change her Spring 2020 XXXXXXXXXXXX XXX grade to an "I" for incomplete.
- B. The University will allow the Complainant an opportunity to retake the XXXXXXXXXXXX XXX course at no cost and provide her with an assurance that all her approved accommodations will be implemented. If the Complainant retakes XXXXXXXXXXXX XXX and completes the course, the Complainant's new XXXXXXXXXXXX XXX grade will replace the Spring 2020 XXXXXXXXXXXX XXX grade on her transcript, unless the Complainant has accepted the University's offer to expunge the Spring 2020 XXXXXXXXXXXX XXX grade as described in Section II.A.
  1. If the Complainant accepts the University's offer to retake XXXXXXXXXXXX XXX, prior to the start of the XXXXXXXXXXXX XXX course or within two weeks of it starting, whomever is the XXXXXXXXXXXX XXX professor will meet with Office of Student Services to review the Complainant's approved accommodations and discuss how to implement them.

2. If the Complainant accepts the University's offer to retake XXXXXXXXXXXX XXX, the Complainant's scores on XXXXXXXXXXXX XXX tests and the final and her overall XXXXXXXXXXXX XXX grade will be reviewed by the supervisor for the XXXXXXXXXXXX XXX professor for accuracy and fairness.
- C. If the Complainant continues as a student at the University at any point during the 2020-2021 school year, the University will meet with the Complainant to engage in an interactive process with her regarding her disability and related needs, including, but not limited to, discussing appropriate academic adjustments to address Complainant's issues and concerns associated with remote learning.
- D. If the Complainant continues as a student at the University at any point during the 2020-2021 school year, the University will identify one point of contact for the Complainant to communicate with should any disability-related concerns, including implementation of academic adjustments, arise.
- E. Reporting Requirements
1. By January 31, 2021, the University will provide OCR with a copy of the University's Section II.A. offer to the Complainant and the Complainant's response, including, but not limited to, the Complainant's updated transcript, if applicable.
  3. By January 31, 2021, the University will provide OCR with a copy of the University's Section II.B. offer to the Complainant and the Complainant's response.
  4. If applicable, by January 31, 2021, the University will provide OCR with the date the XXXXXXXXXXXX XXX professor met with the Office of Student Services, as required by Section II.B.1., and a signed statement from the professor attesting he/she/they reviewed the Complainant's approved academic adjustments with the Office of Student Services and understood how these academic adjustments should be implemented.
  5. If applicable, by January 31, 2021, the University will provide OCR with documentation demonstrating the XXXXXXXXXXXX XXX professor's supervisor reviewed the Complainant's scores on XXXXXXXXXXXX XXX tests and the final and her overall XXXXXXXXXXXX XXX grade for accuracy and fairness, as required by Section II.B.2.
  6. If applicable, by January 31, 2021, the University will provide OCR with a copy of the Disability Notification and Accommodation Form and the Notice of Approval of Accommodation for Disability Form and any other documentation of the outcome from the meeting(s) held in accordance with Section II.C. of the Agreement.

7. If applicable, by January 31, 2021, the University will provide OCR with documentation demonstrating completion of Section II.D.

### **III. Monitoring**

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.

\_\_\_\_\_/s/\_\_\_\_\_

President or designee

\_\_\_\_\_10/19/2020\_\_\_\_\_

Date