

VOLUNTARY RESOLUTION AGREEMENT

The University of Washington (university) voluntarily agrees to take the following actions to resolve the allegations in a complaint (Reference No. 10132176) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

A. Review of Policies, Procedures, and Practices

Action Items

1. The university will review and revise, if necessary, its policies, procedures, and practices (revised procedures) with regard to the provision of academic adjustments and auxiliary aids for students with disabilities. Specifically, the review will ensure that the policies and procedures:
 - a. State that (i) the university has a duty to comply with Section 504 and Title II, including the duty to provide auxiliary aids and academic adjustments; and (ii) that auxiliary aids and academic adjustments are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
 - b. Provide that when a particular adjustment, aid or service is requested by a student with a disability, supported by the student's documentation (as needed), and engagement in the interactive process occurs (as needed), the university will approve the adjustment (or an equally effective alternative) necessary to ensure that the student is not denied benefits, excluded or otherwise discriminated against, unless the university can demonstrate that providing the adjustment would result in a fundamental alteration of the program or constitute an undue burden.
 - c. Provide that an approved adjustment, aid or service will be provided in a timely manner.
 - d. Provide that faculty are responsible for ensuring that students receive all of the accommodations and services that have been approved for them; that faculty may not unilaterally deny or modify approved accommodations; and that if faculty have questions regarding accommodations/services or any type of issue in providing

- accommodations/services, it is the faculty member's responsibility to contact DRS regarding the issue.
- e. Provide that when students and faculty enter into discussions about the provision of accommodations that have been approved by DRS, that DRS is made available to facilitate the conversation at the student's request.
 - f. Provide the name and/or position title and contact information of the appropriate university representative that a student should notify when the student believes that a service provided by the university as an accommodation is not effective.
 - g. Include a description of the interactive process, involving both university personnel and the student, that will be utilized to ensure the timely provision of necessary academic adjustments and auxiliary aids and services.
2. Within 30 days of receiving OCR's approval of the revised procedures, the university will implement the revised procedures, including publication and dissemination to the university community.

Reporting Requirements

1. Within 60 days from the execution of this agreement, the university will submit to OCR for review and approval the university's proposed revised procedures with regard to the provision of academic adjustments and auxiliary aids and services to students with disabilities. The report will include the names and position titles of the university staff members who were involved in conducting the review of the university's policies, procedures, and practices. If OCR requires changes to the revised procedures, the university will re-submit the procedures to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the university will follow the same process until OCR approves the university's revised procedures.
2. Within 60 days of receiving OCR's approval of the university's revised procedures, the university will provide documentation to OCR demonstrating its compliance with Action Item A.2, including but not limited to, implementation of the revised procedures, and evidence of the procedures' publication and dissemination to the university community.

B. Notice

Action Items

1. Within 30 days following OCR's approval of the university's revised procedures, the university agrees to disseminate to faculty and staff, including staff members in DRS, notice of the university's obligations specified under Action Item A.1., above.
2. Within 60 days following OCR's approval of the university's revised procedures, the university agrees to initiate annual dissemination of the notice to faculty and staff members referenced in Action Item B.1, above.

Reporting Requirements

1. Within 60 days following the dissemination to faculty and staff of the university's revised procedures, the university will provide a report to OCR that reflects the specific actions taken to comply with Action Item B.1, above. The report will include a copy of the written notice disseminated to pertinent university staff members and faculty, and documentation of the names and position titles of those who received the notice. If the notice was also disseminated to the identified individuals in any non-written manner, the university will also provide documentation indicating what was contained in the non-written notice, and how, when, and to whom the notice was disseminated.
2. Within 30 days following the university's initial annual dissemination of the notice, the university will provide a report to OCR that reflects specific actions taken to comply with Action Item B.2, above. The report will include documentation of the actions initiated by the university to implement an annual notice to pertinent staff as referenced in Action Item B.2, above, such as, for example, delegation to a staff member of the responsibility for disseminating notice, or inclusion in a university calendar.

C. Training

Action Items

1. The university agrees to provide training to its staff in DRS and any other pertinent non-faculty staff members regarding the revised procedures as identified under Action Item A.1., above. Pertinent non-faculty staff members are defined as those individuals who play a prominent and recurring role in implementing auxiliary aids and academic adjustments. University faculty and all other university staff will be notified of the revised procedures in accordance with Action Items A and B of this agreement.

2. Within 60 days of receiving OCR's approval of the training materials, the university will provide training as specified under Action Item C.1., above.

Reporting Requirements

1. Within 90 days following the execution of this agreement, the university will submit to OCR for review and approval a copy of any training materials developed in accordance with Action Item C.1., including the name(s) and credentials of any individuals who will be providing the training. If OCR requires any changes to the training materials, the university will re-submit the proposed training materials to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the university will follow the same process until OCR approves the university's training materials.
2. Within 90 days following OCR's approval of the above-mentioned training materials, the university will provide documentation to OCR demonstrating the university's compliance with Action Item C.2, including a copy of all training materials used, the date of the training, a copy of the attendance sheet, and the name and title of the trainer.

1. Student-Specific Actions

Action Item

The university will opt to offer the student (a) a refund of tuition that was paid by her for enrollment in Finance 454 and Management 320 during the winter 2013 quarter and have her grade converted to a "W", or (b) an opportunity to retake Finance 454 and Management 320, or equivalent course as determined by the university. Tuition and any cost directly related to retaking the course, such as fees and books, will be waived by the university and the grade earned in the retaken course will be the official grade on the student's transcript. The offer will allow the student a minimum of 60 days from the date of the offer to accept.

Reporting Requirement

Within 90 days after execution of this agreement, the university will provide OCR with a copy of all documentation showing that the university offered either tuition reimbursement/grade change or an opportunity to retake Finance 454 and Management 320, and all documentation indicating the student's response.

E. **General Monitoring Principles**

1. The university understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the university understands that during the monitoring of this agreement, OCR may visit the university campus, 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 regulation implementing Section 504 at 34 C.F.R. § 104.4, 34 C.F.R. § 104.43, and 34 C.F.R. § 104.44; and Title II at 28 C.F.R. § 35.130 and 28 C.F.R. §35.160, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.

2. The university understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including enforcing the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including 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.

Signed:

/s/

David M. Anderson
Interim Associate Vice President
Compliance and Risk Services
University of Washington

Date:

July 30, 2019