

**VOLUNTARY RESOLUTION AGREEMENT**  
**Concordia University- Portland**  
**OCR Case No. 10152191**

**I. INTRODUCTION**

Concordia University-Portland (University) enters into this agreement to resolve the allegations in a complaint (Reference No. 10152191) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973.

**II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in OCR Reference No. 10152191 and does not constitute an admission by University of any violation of Section 504 or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10152191 based upon University's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case. OCR will close the monitoring of this agreement when University fulfills the commitments as outlined in the timeline of this agreement.
- C. University understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
- D. University understands that by signing this agreement, it agrees to provide OCR data and other information related to the terms of this agreement and OCR Reference No. 10152191 in a timely manner. Further, University understands that during the monitoring of this agreement, OCR may visit University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether University has fulfilled the terms of this agreement and is in compliance with the regulation implementing 34 CFR 104.44, which was the Section 504 regulation at issue in this case.

- E. University understands that OCR will not close the monitoring of this agreement until OCR determines University has fulfilled the terms of this Agreement and is in compliance with 34 CFR 104.44 and Section 504 of the Rehabilitation Act of 1973, which was the Section 504 regulation at issue in this case.

### **III. RESOLUTION PROVISIONS**

#### **A. Policies and Procedures**

By February 1, 2016, University will review, and if necessary, revise, its current policies, procedures, and practices to ensure that students with disabilities who have approved academic adjustments from University receive all approved adjustments. Specifically, the policies and procedures will ensure that (1) students who have the academic adjustment of a classroom note taker continue to be provided with classroom notes (or appropriate digital accommodation with the same outcome); and (2) students who have testing academic adjustments that allow them to take exams at the disabilities services office and/or outside of the classroom setting, continue to be provided with their testing accommodations. The policies and procedures will continue to ensure that the provision of approved academic adjustments cannot be contingent on staff availability and that academic adjustments are provided in a timely manner that ensures effective participation by students with disabilities.

#### **B. Training**

Within 30 days of the parties agreeing that University's policies and procedures described in Section III.A of this agreement are acceptable to the parties, University will provide training to all disabilities services office staff regarding the university's revised policies and procedures.

#### **C. Individual Remedies**

1. By January 15, 2016, University will reimburse the student's lender for the Fall 2014 semester Direct Loans borrowed and still owed by the complainant and her parent. All other expenses covered with Title IV grants and Concordia University financial aid will not be reimbursed.

2. The complainant will provide University with written confirmation by December 31, 2015 that she did not transfer any of the college earned credits from the Fall 2014 term to another educational institution. If the complainant did not transfer any of her college earned credits, University will change her Fall 2014 semester grades on her official transcript to “W” for withdrawal by January 15, 2016. If complaint transferred the college earned credits to another educational institution, her grades will not be changed.
3. By February 25, 2016, University will provide the complainant with written notice of any revisions made to its policies and procedures made pursuant to section III.A of the agreement.

## **V. REPORTING PROVISIONS**

### **A. Policies and Procedures**

1. By February 2, 2016, University will provide OCR a copy of its revised policies and procedures, made pursuant to section III.A of the agreement. If OCR determines that the policies and procedures should undergo further revision, OCR will notify the University of the reasons for further revision within 60 days of receipt and University will provide OCR with another draft policies and procedures for OCR’s review within 30 days of receiving OCR’s notice. OCR and University will continue this procedure until the parties agree the policies are in compliance with the regulations implementing 34 CFR 104.44 and Section 504 regulation.
2. Within ten days of the parties’ agreement that the revised policies and procedures submitted pursuant to section III.A of the agreement are in compliance with the terms in this agreement, the university will provide OCR with documentation to substantiate that it has adopted the agreed upon policies and procedures.

### **B. Training**

Within 30 days of the training provided pursuant to section III.B. of the agreement, University will provide OCR a report on the training it provided pursuant to section III.B. of the agreement. The report will include: the

date(s) of the training; a copy of the training agenda and any training materials; the name and title of the presenter; and the names and titles of the individuals who attended the training.

C. Individual Remedies

By March 15, 2016, University will provide OCR with a report regarding the actions it has taken pursuant to section III.C of the agreement. The report will include, but is not limited to: documentation showing the student's lender's reimbursement for the fall 2014 semester tuition; a copy of the student's revised academic transcript; and a copy of the notice to the student regarding the revised policies and procedures.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Mark Wahlers, Ph.D.  
Provost  
Concordia University-Portland

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December 10, 2015  
Date