

## VOLUNTARY RESOLUTION AGREEMENT

Oregon Institute of Technology (University) voluntarily agrees to take the following actions to resolve OCR Reference No. 10222122, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 and 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131–65 and 28 C.F.R. Part 35.

### I. Review of Policies, Procedures, and Practices

A. **Action Item:** The University will review and revise, as necessary, its policies, procedures, and practices (Revised Procedures) for deciding whether to grant student requests for disability-related academic adjustments, including auxiliary aids and services or other accommodations (collectively referred to below as “accommodations”). Specifically, the Revised Procedures will:

1. Require that the decision be made on a case-by-case basis, considering the specific accommodations requested by a student in the course or program at issue.
2. Require that the decision be made by a group of individuals who are trained and knowledgeable about accommodating students with disabilities, and faculty and/or administrators knowledgeable about the course or program in question.
3. Require that a request for accommodations will only be denied if, after deliberation that includes input from the specific student and a review of that student’s requests and needs, course or program requirements, and available options and alternatives, the University determines that granting the requested accommodation would lower essential academic standards, fundamentally alter the course or program, provide personal services, pose an undue burden for the University, or is otherwise not required by Section 504 or Title II. The University will document denial decisions and the reasons supporting them, and will provide that to the student, in writing.
4. Require that, following a decision that a requested accommodation would fundamentally alter a course or program, the University will interact with the student to decide whether there are effective alternative accommodations.
5. Clarify who a student should contact (job title and contact information) if they disagree with the University’s determination regarding a requested accommodation or believe that an approved accommodation is not being implemented.

B. **Action Item:** After receiving OCR’s approval, the University will adopt the Revised Procedures.

### C. Reporting Requirements:

1. Within **60 calendar days** of signing this Agreement, the University will provide OCR, for its review and approval, the University’s proposed Revised Procedures.

2. Within **60 calendar days** of receiving OCR's approval of the Revised Procedures, the University will provide OCR with documentation demonstrating that the University adopted the Revised Procedures.

## II. Notice

- A. **Action Item:** The University will distribute to all University employees with responsibilities related to disability-related accommodations, including all faculty and staff responsible for implementing approved accommodations, a copy of the Revised Procedures approved by OCR. The University will also distribute contact information for whom employees should contact at the University if they have questions about the Revised Procedures.
- B. **Reporting Requirement:** Within **90 calendar days** of receiving OCR's written approval of the Revised Procedures, the University will provide OCR documentation reflecting that it has distributed the Revised Procedures.

## III. Training

- A. **Action Item:** The University will train its Access & Campus Equity Services (ACES) staff, the faculty and administrators in the Medical Imaging Technology (MIT) department, and other relevant non-faculty University personnel on the Revised Procedures. Training will be provided by person(s) knowledgeable about the Revised Procedures and the requirements of Section 504 and Title II. At a minimum, the training will cover:
  1. The trainee's responsibilities under the Revised Procedures.
  2. Who must be included in deliberations regarding whether to grant a student accommodation request.
  3. What must be considered with respect to a student accommodation request.
  4. That the decision about whether a particular accommodation fundamentally alters a particular course or program must be made on a case-by-case basis.
  5. How to document the decision and the reasoning regarding a requested accommodation, and how to notify the student of any denial and/or proposed alternative accommodation(s).
- B. **Reporting Requirements:**
  1. Within **60 calendar days** of receiving OCR's written approval of the Revised Procedures, the University will provide OCR, for its review and approval, the University's proposed training materials. The report will include the name(s) and qualification(s) of proposed trainer(s), and a list of the names and job titles of the proposed trainees.

2. Within **120 calendar days** of receiving OCR's written approval of the training materials, the University will provide OCR documentation demonstrating that the University provided the OCR-approved training. The report will include the time and date of the training(s), all materials used (e.g., lesson plans, handouts, or presentation slides, attendance records, and will specifically identify the name and job title of any trainer(s) not previously approved.

#### **IV. Student-Specific Remedies**

- A. **Action Item:** The University will convert the Student's grade in XXXXXX to a "W" (or equivalent not impacting her GPA).
- B. **Action Item:** The University will send a letter to the Student acknowledging that it did not implement her approved accommodations in XXXXXX during the fall 2021 academic term and describing the actions the University has committed to take to remedy this, including revising its policies and procedures and conducting training of relevant staff.
- C. **Action Item:** The University will provide the Student a refund of the Student's tuition, fees, and costs for XXXXXX taken during the fall 2021 academic term.
- D. **Reporting Requirements:**
  1. Within **30 calendar days** of signing this Agreement, the University will provide OCR a report demonstrating that the University changed the Student's grade as required by Action Item IV.A.
  2. Within **30 calendar days** of signing this Agreement, the University will provide OCR, for its review and approval, a draft letter to the Student as required by Action Item IV.B.
  3. Within **30 calendar days** of receiving OCR's written approval of the draft letter, the University will provide OCR documentation that it mailed the letter, first class, to the Student.
  4. Within **30 calendar days** of signing this Agreement, the University will provide OCR a report demonstrating that the University provided the Student with a refund of the Student's tuition, fees, and costs for DMS 252 taken during the fall 2021 academic term.

#### **V. General Monitoring Principles**

- A. By signing this Agreement, the University agrees to provide OCR data and other information in a timely manner in accordance with the reporting requirements of this Agreement. During the monitoring of this 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 of this Agreement.

- B. The University understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the University is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.
- C. The University understands that OCR may initiate administrative enforcement or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and **60 calendar days** to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the President or the President's designee below.

Signed:

Date:

/s/

April 5, 2023

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President  
Oregon Institute of Technology