

Resolution Agreement  
University of the District of Columbia  
OCR Complaint No. 11-13-2088

The University of the District of Columbia (University) voluntarily enters into the following Agreement with the Office for Civil Rights (OCR) to resolve the issues raised by the above-referenced complaint and to ensure the University's compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations. This Agreement does not constitute an admission of discrimination or other wrongdoing on the part of the University. The University voluntarily agrees to take the following steps to resolve this complaint. When fully implemented, the issues raised by OCR complaint No. 11-13-2088 will be fully resolved. (As used herein, the term "academic adjustments" includes auxiliary aids and services; the term "grievance," includes complaints; and the acronym "QID" means "qualified individual with a disability.")

**A. Academic Adjustment Procedure**

1. By May 31, 2014, the University will ensure that the outdated letter that is posted to the Law School website page is either updated to direct law school students with disabilities who need academic adjustments to the University's Disability Resource Center (DRC), or alternatively, removed from the website page. The University will also ensure that information posted to the University's website regarding the location of the DRC Office is corrected to accurately reflect the current location of the DRC.

**Reporting Requirement:**

By June 15, 2014, the University will provide OCR information indicating the date that the outdated letter that is posted to the Law School website page was either updated or removed. If updated, the University will inform OCR of the date that the letter was corrected and provide OCR a copy of it, pursuant to commitment A(1).

2. By August 15, 2014, the University will ensure that its procedure for providing academic adjustments, at [http://www.udc.edu/docs/drc/drc\\_handbook\\_2008.pdf](http://www.udc.edu/docs/drc/drc_handbook_2008.pdf), (the AA Procedure), is revised to clearly reflect that the AA Procedure applies to all students at all levels, including Law School students. The University will also take appropriate action to ensure that its revised AA Procedure is implemented in a manner consistent with the requirements of the regulations implementing Section 504 and Title II. Specifically, the AA Procedure will be revised to ensure the following:
  - a. That the determination as to what academic adjustments should be provided to QIDs is reached through an interactive process that includes the individual with a disability;
  - b. That the determination regarding what academic adjustments should be provided to QIDs is made by University personnel with requisite training and expertise in the area of disability services;
  - c. That disagreements arising between DRC personnel and University administrative staff regarding appropriate academic adjustments to be provided to QIDs be resolved through a process that includes the student requesting the academic adjustment(s); and,

- d. That QIDs are provided necessary and effective academic adjustments in a timely manner.

Reporting Requirement:

By July 31, 2014, the University will provide OCR with a draft of its revised AA Procedure for review and approval. OCR will review the University's revised AA Procedure and provide the University comments within thirty (30) calendar days of receipt. Within 15 days of receiving OCR's comments on its revised AA Procedure, the University will ensure that its revised AA Procedure is finalized and implemented, pursuant to commitment A(2).

3. By August 15, 2014, the University will publish its revised AA Procedure, as approved by OCR, and provide notice of it, as follows:
  - a. By incorporating a "hyperlink" on the Law School website page to the University's revised AA Procedure, and to DRC forms; and
  - b. By providing students notice through electronic mail and newsletter that it has revised its AA Procedure, and informing students where the "link" to its revised Procedure can be found.

Reporting Requirement:

By August 31, 2014, the University will provide information as to the method(s) by which students were provided notice of its revised AA Procedure. With this submission, the University will also provide OCR the website address to the "hyperlink" that will take students from the Law School website page to the AA Procedure and DRC forms, pursuant to commitment A(3).

The University will provide a copy of its revised AA Procedure in its undergraduate, graduate, and Law School handbooks for Academic Year 2015-16. The University will provide a link to its revised AA Procedure in its undergraduate, graduate, and Law School handbooks for Academic Year 2014-15.

4. By August 15, 2014, the University will ensure that there is a procedure in place within the DRC to ensure that students' medical and other documentation and information are appropriately handled and maintained by the DRC, and that there is follow-up with the student requesting academic adjustments once documentation is received in the DRC.

Reporting Requirement:

By August 31, 2014, the University will provide OCR detailed information as to the procedure that has been put in place to ensure that students' medical and other documentation and information is not lost by the DRC, and regarding the procedure to ensure follow-up by the DRC with students, pursuant to commitment A(4).

**B. Section 504 Grievance Procedure**

1. By August 15, 2014, the University will develop and implement a grievance procedure (the Grievance Procedure) to resolve grievances related to the denial by the University/DRC of student requests for academic adjustments. To ensure that student grievances related to the denial of academic adjustments are resolved in a prompt and equitable manner, the Grievance Procedure will provide for the following:
  - a. There is a reasonable timeframe for each major stage of the grievance process (i.e., filing, investigation, resolution, appeal);
  - b. The decision on a student's grievance is made by or with meaningful input from persons knowledgeable about Section 504 and/or Title II requirements;
  - c. The final decision-maker on a student's grievance is an impartial third-party and not the same individual who denied a student's request for an academic adjustment;
  - d. Student grievances are given appropriate consideration and that appropriate due process standards are followed (i.e., the student has an opportunity to present documentation and witnesses);
  - e. There is an appeal process and students are informed of their right to file a complaint with the District of Columbia Office for Civil Rights (OCR) within sixty (60) days of the University's decision on their appeal, if dissatisfied with the University's determination; and,
  - f. The name or title, address and telephone number the individual designated by the University to coordinate its Section 504 compliance responsibilities (i.e., the Section 504 Coordinator) are given.

**Reporting Requirement:**

By July 31, 2014, the University will provide OCR a draft of its revised Section 504 Grievance Procedure for review and approval. OCR will review the University's Grievance Procedure and provide the University comments within thirty (30) calendar days of receipt. Within 15 days of receiving OCR's approval of its Grievance Procedure, the University will ensure that its Grievance Procedure is finalized and implemented, pursuant to commitment B(1).

2. By August 15, 2014, the University will publish its revised Grievance Procedure and provide notice of it, as follows:
  - a. By incorporating a "hyperlink" on the Law School website page to the University's Grievance Procedure; and
  - b. By providing students notice through electronic mail and newsletter that it has adopted and implemented a Section 504-related Grievance Procedure, and that the Grievance Procedure has been published in its student handbooks.

**Reporting Requirement:**

By August 31, 2014, the University will provide information as to the method(s) by which students were provided notice of its Section 504 Grievance Procedure. The

University will also provide OCR the website address to the "hyperlink" that has been placed on the Law School website page to the University's revised Grievance Procedure, pursuant to commitment B(2).

The University will provide a copy of its revised 504 Grievance Procedure in its undergraduate, graduate, and Law School handbooks for Academic Year 2015-16. The University will provide a link to its revised 504 Grievance Procedure in its undergraduate, graduate, and Law School handbooks for Academic Year 2014-15.

3. By August 15, 2014, the University will ensure that a process is put in place to ensure that its Section 504/ADA Coordinator is provided a copy of every Section 504-related student grievance that is filed with the University, including those related to the denial of student requests for academic adjustments. The process will also ensure that the Section 504 Coordinator is advised of the determination on each grievance and the date that the determination is reached.

**Reporting Requirement:**

By August 31, 2014, the University will provide OCR information evidencing that a process has been put in place to ensure that its Section 504 Coordinator is aware of and provided a copy of every Section 504-related student grievance that is filed with the University and how the Section 504 Coordinator is being kept advised of the determination reached on each grievance, pursuant to commitment B(3).

### **C. Training**

1. Within thirty (30) calendar days of finalizing and publishing its Grievance Procedure, the University will provide notice to University staff and faculty that training on its Grievance Procedure will be provided; the date(s) and location(s) of the scheduled training(s); and the name(s) of the training facilitator(s).

**Reporting Requirement:**

By September 15, 2014, the University will provide OCR a draft of its proposed training materials for review and approval. With this documentation, the University also will provide the name and credentials of the training facilitator(s); the date(s) of the scheduled training; and a copy of the notice to staff and faculty informing them of the training. OCR will review the proposed training materials and provide the University comments within thirty (30) calendar days of receipt, pursuant to commitment C(1).

2. By December 1, 2014, the University will ensure that training is provided to University staff and faculty on its Grievance Procedure. As to those staff persons who have responsibility to investigate grievances related to the denial of academic adjustments, the University will ensure that such individuals are trained on their responsibility to conduct a thorough and impartial investigation that meets appropriate due process standards.

**Reporting Requirement:**

Within 30 days of completion of training of University staff, the University will provide OCR documentation evidencing that training has been provided and to whom. The documentation to be provided should include a copy of the notice of the training(s) provided to University staff and personnel; a copy of the training materials; the name(s) of the individual(s) who provided training; the date(s) of the training(s); and sign-in sheets showing the name(s) and title(s) of University staff and personnel who attended the training(s), pursuant to commitments C(2).

3. By December 1, 2014, the University will ensure that its Section 504 Coordinator is provided training as to his/her "coordination" responsibilities.

**Reporting Requirement:**

Within 30 days of completion of Coordinator training, the University will provide OCR documentation showing that the University's Section 504 Coordinator has been provided coordinator training. With this submission, the University will provide OCR with a copy of the training materials and inform OCR of the date that the training was provided and the name and title/credentials of the individual(s) who provided the training, pursuant to commitment C(3).

**D. The Complainant**

1. Within 30 days of signing this Agreement, and as to the four courses in which the Complainant made a grade of C+ or below in the Fall 2012 semester, Spring 2013 semester and Summer 2013 semester, the University will reimburse the Complainant for her tuition at a rate of \$360.00 per credit hour, for a total tuition reimbursement of \$4,320.00.

**Reporting Requirement:**

By June 30, 2014, the University will inform OCR of the date that the Complainant was (or will be) reimbursed; how the amount of the reimbursement was determined; and by whom. By June 30, 2014, the University will provide OCR documentation evidencing that the Complainant has been reimbursed. The documentation should include a copy of the reimbursement check; a return receipt, if any, and other such documentation, pursuant to commitment D(1).

The University understands that, by signing this Agreement, it agrees to provide data or other information in a timely manner. Further, the University understands that during monitoring of this Agreement, 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 and is in compliance with the regulations implementing Section 504 and Title II. The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 and Title II.

The University understands and acknowledges 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 the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

May 1, 2014

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President  
The University of the District of Columbia

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Date