

RESOLUTION AGREEMENT
Medical University of South Carolina
OCR Complaint No. 11-17-2183

The U.S. Department of Education's Office for Civil Rights (OCR) and the Medical University of South Carolina (the University) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission by the University of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (ADA Title II), or any other law enforced by OCR.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the University voluntarily agrees to take the following actions.

1. **By August 21, 2017**, the University's Division XXXX will remove from the Complainant's student file all documentation pertaining to her XXXX unprofessional conduct evaluation and will notify the Complainant and Division XXXX faculty (defined as those who were notified of the XXXX conduct evaluation) that it has done so through the same method and format as the XXXX conduct evaluation communications. The University's Division XXXX will not rely upon any materials presented during adjudication of the Complainant's XXXX unprofessional conduct evaluation or any subsequent action plan to adjudicate the Complainant's performance during the remainder of her enrollment in the Division XXXX. The University also will place a copy of this Agreement and OCR's resolution letter in the Complainant's file.

Reporting Requirements:

- a. **By August 30, 2017**, the University will submit to OCR documentation verifying that it removed the referenced documentation from the Complainant's file, notified the Complainant and Division XXXX faculty accordingly, and placed OCR's letter and the Agreement in the Complainant's file.
 - b. **By August 30, 2017**, the University will submit to OCR documentation verifying that it advised the Division XXXX faculty referenced above that documentation pertaining to the Complainant's XXXX unprofessional conduct evaluation has been removed from the Complainant's file.
2. **By August 21, 2017**, the University will assign the Division XXXX Assistant Director of XXXX Education to serve as the Complainant's primary contact with regard to the Complainant's participation in XXXX, with the understanding that the Assistant Director may need to consult with the Director of XXXX on some matters.

Reporting Requirement:

By August 30, 2017, the University will submit to OCR documentation verifying that it made the assignment noted above and that it notified the Complainant accordingly.

3. If the Complainant submits any requests for accommodations through the University's Disability Support Services (DSS) during her remaining semesters in her XXXX program,

the University will promptly process them pursuant to its newly revised policies and procedures for providing academic adjustments and reasonable modifications to policies, practices or procedures to students with disabilities when such policies become available. Should the Complainant submit any request for accommodations through the University's DSS or through the COHP Section 504/ADA coordinator prior to implementation of the newly revised policies and procedures, such requests will be promptly processed in accordance with existing policies and procedures.

Reporting Requirement:

Within thirty (30) days of a request for accommodations from the Complainant, the University will provide OCR documentation showing that it responded to the request, including the original request, the DSS decision, supporting documentation, records of communications with the Complainant, and any appeal and outcome.

4. If any student raises with Division XXXX staff any concerns about implementation of approved disability accommodations, the staff person will refer the student to the University's disability discrimination grievance procedures.

Reporting Requirement:

By August 31, 2017, the University will provide OCR documentation that it has notified Division XXXX staff of their responsibility to refer students with disability accommodations concerns to the University's disability discrimination grievance procedures.

5. **By August 31, 2017**, the COHP Section 504/ADA coordinator and the University's Section 504/ADA coordinator will attend training on academic adjustments and reasonable modifications for students with disabilities under Section 504 and ADA Title II.

Reporting Requirement:

By September 14, 2017, the University will provide OCR documentation of the above-reference training attendance, including the training dates, materials, and presenters.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that during the 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 ADA Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR will close this case.

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.

FOR THE UNIVERSITY:

_____/s/_____
Name and Title

Date: ____8/11/2017____