

RESOLUTION AGREEMENT

Ponce Health Sciences University OCR Case No. 02-16-2195

In order to resolve Case No. 02-16-2195, Ponce Health Sciences University (the University) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104.

Action Item 1

1. By November 1, 2016, the University will offer the complainant the opportunity to submit an updated request for academic adjustments and/or auxiliary aids and submit additional documentation, including medical documentation, in support of his request. The University will provide a minimum of 30 days for the complainant to respond to the offer.

2. By December 15, 2016, the University will review all of the complainant's requests made during academic years 2015-2016 and 2016-2017 to the University for academic adjustments, auxiliary aids, and/or accommodations, including an extension of time to take the US Medical Licensure Exam Step 2 CK, pursuant to Section 504.
 - The University will use its process for making determinations about whether students with disabilities are entitled to academic adjustments and auxiliary aids to participate in its programs and activities. The University will engage in an interactive process with the complainant, which may include formal requests for documentation.
 - The University may request that the Student provide reasonable documentation within 30 days prepared by a qualified professional of the existence of a current disability and information sufficient to assist the complainant and the University in identifying appropriate academic adjustments and/or auxiliary aids, and the University in making a determination regarding the complainant's academic adjustment request.
 - If the University determines that documentation the complainant submitted/submits is inadequate, the University will notify the complainant in a timely manner why it believes the documentation is inadequate and what additional documentation is needed to support the existence of a disability and/or the requested academic adjustment(s) and/or auxiliary aid(s).
 - The University's process for making determinations regarding the complainant's request for academic adjustments and/or auxiliary aids will include consideration of any recommended academic adjustment, auxiliary aid, and/or reasonable accommodation that would enable the complainant to have an equal opportunity to benefit from the academic program.

3. By December 15, 2016, or within 30 days after the receipt of documentation provided by the complainant, the University will provide the complainant with written notification of its decision.

Reporting Requirements:

1. By November 1, 2016, the University will provide to OCR documentation showing that it offered the complainant the opportunity to submit an updated request for academic adjustments and/or auxiliary aids and additional documentation in support of his request; and the complainant's response to the University's offer, if any.
2. By December 15, 2016, or within 30 days after the receipt of documentation provided by the complainant, the University will provide to OCR documentation detailing its determination regarding the complainant's requests for academic adjustments, auxiliary aids, and/or accommodations, and the processes by which the University made its determinations, and which support and explain the reasons/bases for its determinations, including, but not limited to, the University's requests for additional documentation, meeting notes, reports or opinions considered (medical or otherwise), and correspondence with the complainant.
3. By December 15, 2016, or within 30 days after the receipt of documentation provided by the complainant, the University will provide to OCR a copy of its notification to the complainant of its determination and the bases for the determination.

Action Item 2

By December 15, 2016, the University President and/or designee will review the actions of relevant University employees, including the University's XXXXXX XXXXXXXX XXXX XXXXXXXX, to determine whether the University discriminated against the complainant on the basis of disability, by barring the complainant from the University in or around spring 2016. If the University President and/or designee determine that discrimination occurred, the University will determine whether sanctions are appropriate, and implement said sanction(s) by January 15, 2017.

Reporting Requirements:

1. By December 15, 2016, the University will provide documentation to OCR for review and approval demonstrating that the University President and/or designee reviewed the actions of University employees, including the XXX, in accordance with Action Item 2 above. The documentation will include, at a minimum, a description of the process the University President and/or designee used to conduct the review; the University President's and/or designee's recommendations regarding whether University employees', including the XXXX's, actions warrant sanctions or other measures, and why; and, the action taken by the University on the University's President's and/or

designee's recommendations. The University also will identify, by name and title, the individuals involved in making the determination.

2. If sanctions or other measures are imposed, then by January 15, 2017, the University will provide documentation to OCR demonstrating implementation of said actions.

Action Item 3

By December 15, 2016, the University will provide training regarding the University's obligations pursuant to Section 504, and the prohibitions regarding retaliation to all University administrators, as well as to employees and faculty responsible for receiving, reviewing, responding to, and approving requests for academic adjustments and/or auxiliary aids made by students with disabilities. The training will include a discussion of the prohibition against discrimination on the basis of disability, and the University's obligation to provide qualified individuals with disabilities with academic adjustments and/or auxiliary aids, in accordance with the regulations implementing Section 504; and the University's process for reviewing and responding to requests for academic adjustments and/or auxiliary aids. Further, special emphasis will be given to the procedure for documenting decisions regarding all requests for academic adjustments and auxiliary aids.

Reporting Requirement: By January 15, 2017, the University will provide documentation to OCR demonstrating that training was provided in accordance with Action Item 1 above; including the name and credentials of the trainer, the date(s) of the training, copies of the training materials distributed, and a list of attendees.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.44, which were at issue in this case. The University also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the University understands that 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 and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.44, which were at issue in this case. The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, 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.

10/6/2016
Date

/s/
By:
Ponce Health Sciences University