

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Seattle University (university) enters into this Voluntary Resolution Agreement (agreement) to resolve the allegations in a complaint (Reference No. 10092037) filed with the U.S. Department of Education, Office for Civil Rights (OCR) under section 504 of the Rehabilitation Act of 1973 and its implementing regulations.

II. GENERAL PROVISIONS

- A. This agreement resolves only those allegations in Reference No. 10092037 and does not constitute an admission by the university of any violation of Section 504 or any other law.
- B. OCR agrees to discontinue its investigation of Reference No. 10092037 based upon the university's commitment to take the actions specified in this agreement, which, when fully implemented, will resolve the allegations in the complaint.
- C. The 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 CFR 100.9 -100.10), or judicial proceedings to enforce this agreement, OCR will give the university written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.
- D. 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 CFR Subparts A and E, which were at issue in this complaint.
- E. The university agrees to provide OCR data and other information in a timely manner. Further, the university understands that during the monitoring of this agreement, OCR may visit the university campus, 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 the Section 504 regulations at 34 CFR Subparts A and E, which were at issue in this complaint.

III. RESOLUTION PROVISIONS

A. Policies and Procedures

By October 24, 2014, in consultation with OCR, the university agrees to review and revise, as necessary, its policies and procedures regarding involuntary leave of absence to ensure they continue to comply with Section 504. This includes ensuring they are consistent with the following:

- The university may maintain a process by which students, including students who are believed be a serious risk of self-injury, must demonstrate their continued fitness to satisfy the university's academic requirements; technical standards; or legitimate, safety-related eligibility criteria applicable to all students, such as student codes of conduct and rules that govern participation in residential living and other nonacademic programs.
- When the university is assessing the continued fitness of a student with a disability under Section 504, the university is required to consider, and may be required to provide, reasonable disability-related modifications, academic adjustments, or auxiliary aids and services.
- If a student with a disability cannot satisfy the university's academic requirements; technical standards; or legitimate, safety-related eligibility criteria because of a serious risk of self-injurious behavior that cannot be sufficiently mitigated by reasonable modifications, academic adjustments, or auxiliary aids and services, then the university is permitted to mandate a leave of absence or dismiss such a student.
- The university may maintain neutral, nondiscriminatory readmission policies and procedures for students who have been required to take a leave of absence, which may require students to fulfill certain conditions for readmission (e.g., requiring a student who has been on leave for year to review course work prior to return, etc.). Any conditions of return for students with disabilities, which are different or more severe than what are required of non-disabled students, must relate concretely to mitigating the risk of harm posed by such students' return, and must have a reasonable basis, grounded in an individualized assessment that is not based on stereotypes or generalizations about the student's disability. For example, prior to readmission, the university may require a student with a disability, who was previously removed from campus for failing to meet safety eligibility criteria, provide documentation that he or she has taken steps to reduce the

previous threat or risk of self-injury and is able to return to campus and meet the university's safety related eligibility requirements. The university may also consider whether medication, counseling, a psychological assessment, or disability-related modifications, academic adjustments, or auxiliary aids and services would mitigate any risk posed by the student's return.

B. Notice and Training

- (1) By April 30, 2015, the university will provide written notice and training to university personnel who are involved in making final decisions about student participation in programs and activities and/or who are involved in determining whether a student with a disability is a risk of self-injury. The training will address the proper implementation of the university's policies and procedures referenced in section III.A. The training will be conducted by an individual who is knowledgeable about Section 504 and will identify the designated employees who are responsible for conducting the individualized assessments of disabled students.
- (2) Within 21 days after final adoption of the policies, as part of its dissemination of policies and procedures, the university will provide written notice to students, including the student who was the subject of the complaint, and university staff of the policies and procedures under section III.A. The notice will provide the location of where the policies and procedures may be viewed in full, and the contact information of the designated employee responsible for administering these policies and procedures.

C. Additional Steps

By August 22, 2014, the university will communicate with the student regarding her circumstances during fall quarter of the 2008-2009 academic year. By August 29, 2014, the university will provide OCR with a copy of its communication with the student.

IV. REPORTING PROVISIONS

A. Policies, Procedures, and Notices

- (1) By November 14, 2014, OCR will provide feedback on the university policies and procedures regarding involuntary leave of absence. Within

