



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS - DISTRICT OF COLUMBIA OFFICE

October 13, 2011

Dr. John J. DeGioia
Office of the President
Georgetown University
204 Healy Hall
37th & "O" Streets, NW
Washington, DC 20057-1789

Re: OCR Complaint No. 11-11-2044
Resolution Letter

Dear Dr. DeGioia:

This letter is to notify you that the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), has completed its investigation of the complaint filed on January 10, 2011 against Georgetown University (the University). The Complainants allege that the University discriminated against their daughter (the Student) on the basis of disability. Specifically, they allege that [REDACTED] the University discriminated against the Student based on her disability when it subjected her to certain conditions as a requirement for reenrollment following a medical leave of absence.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance (FFA) from the Department. The University is a recipient of FFA from the Department and therefore, is subject to the provisions of Section 504. The Section 504 regulation, at 34 C.F.R. § 104.43, requires that a college or university may not, on the basis of disability, exclude students from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of its programs or services.

During the course of OCR's investigation, the University expressed an interest in resolving the complaint under Section 302 of OCR's Case Processing Manual, which provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. On October 7, 2011, the University entered into a voluntary resolution agreement (the Agreement) with OCR to resolve the complaint. The provisions of the Agreement are aligned with the allegation raised by the Complainants and information obtained during the course of OCR's investigation, and consistent

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

with the applicable regulations. When fully implemented, the Agreement will resolve the complaint.

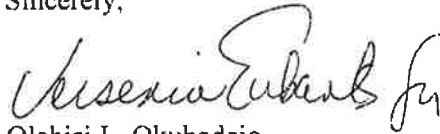
This concludes OCR's investigation of the complaint and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. We have advised the Complainants that the University may not harass, coerce, intimidate, or discriminate against them because she filed a complaint or participated in the complaint resolution process. If this happens, they may file another complaint alleging such treatment.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Also, under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

We appreciate the cooperation of the University, particularly Rosemary Kilkenny, Lauralyn Beattie, and Adam Adler. If you have any questions, feel free to contact Sebastian Amar at 202-453-6023 or at Sebastian.Amar@ed.gov or Kay Bhagat at 202-453-6598 or at Kay.Bhagat@ed.gov.

Sincerely,



Olabisi L. Okubadejo
Team Leader
District of Columbia Office
Office for Civil Rights

cc: Rosemary Kilkenny, Esq.
Lauralyn Beattie, Esq.
Adam Adler, Esq.

**Voluntary Resolution Agreement
Georgetown University
OCR Complaint No. 11-11-2044**

Georgetown University (the University) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-11-2044. Prior to the completion of OCR's investigation, the University expressed an interest in resolving this complaint pursuant to Section 302 of OCR's Case Processing Manual and voluntarily agrees to take the following actions:

1. The University will revise its policies and procedures for students to take a voluntary Medical Leave of Absence (MLOA) to ensure that they comply with Section 504 and its implementing regulation. The revised policies and procedures will provide for an individualized process for assessing a student's eligibility to take an MLOA and return from an MLOA. Under the revised policies and procedures, any conditions that the University may impose upon a student's return from an MLOA must be reasonable, individualized, and give significant weight to documentation of the opinion of the student's treatment provider regarding the student's ability to function academically at the University with or without accommodations. At a minimum, the revised policies and procedures will:
 - a. Include prompt and reasonable timeframes within which the University will complete its review and final determination of students' requests to take and return from an MLOA;
 - b. Notify students of the University's process for reviewing the students' requests to take and return from an MLOA, which, will:
 - i. Explain that students are typically required to provide medical documentation from their individual treatment providers;
 - ii. Describe how the University will consider medical documentation provided;
 - iii. List criteria and/or provide examples that the University will rely upon in making any determinations that a student provided insufficient documentation, including those for when the University will contact the student's treatment provider and those for the extraordinary circumstances in which an additional assessment by CAPS or a mutually agreeable independent clinician will be required. The policies/procedures will clarify that the University will document this determination and share the determination and rationale with the individual student; and
 - iv. Identify whether a student will be required to participate in a "check-in" conversation with University personnel to discuss transition back to University life and explain the purpose of this "check-in" conversation;
 - c. Ensure that students are not required to engage in employment or volunteer positions or to submit letters of recommendation from an employer as a condition for return;
 - d. Ensure that students are not required to demonstrate a decrease in or amelioration of their disability-related behavior or symptoms, but allow the University to

- require students to demonstrate their readiness to resume studies and be a successful member of the campus community, with or without accommodations;
- c. Outline the differences between an MLOA and a Personal Leave of Absence (PLOA) to allow students to select their preferred LOA; and
 - f. Notify students that the MLOA is a voluntary process.

Reporting Requirement: By November 15, 2011, the University will provide to OCR a draft of its revised MLOA policies and procedures. Within 14 calendar days of OCR's approval of the revised policies and procedures, the University will adopt and widely disseminate the revised procedures.

Reporting Requirement: Within 14 calendar days of the University's adoption and dissemination of the revised procedures, the University will provide OCR with documentation that the revised policies and procedures were adopted and widely disseminated to University personnel, students, and any other relevant individuals in the University community.

2. Within 30 calendar days of the adoption and dissemination of the revised procedures, the University will provide training on its revised MLOA policies and procedures to all University personnel involved with advising students about an MLOA and reviewing requests to take and return from an MLOA.

Reporting Requirement: Within 7 calendar days of the date of the training, the University will provide OCR with documentation of its completion of this item, including copies of all training materials provided, the topic(s)/information covered during the training, the name(s)/title(s) of the individual(s) who provided the training, and documentation of the names and titles of the University personnel who attended the training.

3. Within 14 calendar days of receiving any request from the Student with supporting documentation, as required in the revised MLOA policies and procedures, during the 2011-2012 and/or 2012-2013 academic years to return from the MLOA she took beginning in January 2011, the University will review the Student's request and determine whether or when she may return to the University, as well as any reasonable and individualized conditions for her return.

Reporting Requirement: Within 7 calendar days of completing the review of receiving the Student's request to return, the University will provide to OCR documentation of its review of the Student's request to return to the University, including (a) the information the University reviewed; (b) its determination about whether the Student may return; and (c) if applicable, any proposed reasonable and individualized conditions for the Student's return to the University. Within 7 calendar days of OCR's approval of the University's review and any conditions, the University will notify the Student of its determination with regard to her request and any approved conditions. Within 7 calendar days of notifying the Student of its determination, the University will provide documentation to OCR of the notification it gave to the Student. ✓

Within 45 calendar days of the University's adoption of revised MLOA procedures,

- 4. ~~By January 6, 2012,~~ the University will review all situations where a student's request to take an MLOA was denied and/or where a student's request to return to the University from an MLOA was denied or delayed during the 2010-2011 academic year. For each situation, the University will (a) determine if the denial decision, the conditions for the student to be placed on the MLOA, and/or the conditions for return are consistent with its revised MLOA policies and procedures, as discussed in Provision 1, and (b) if the denial decision or conditions would be different under the revised MLOA policies and procedures, the University will determine whether individual relief is appropriate for any of the students and offer appropriate remedies to the students.

Within 7 calendar days of completing the review
 Reporting Requirement: ~~By January 13, 2012,~~ the University will provide to OCR documentation of its review of previous situations of students whose requests to take or return to the University from MLOAs were denied or delayed, including (a) the information it reviewed; (b) its determination about whether its denial decision or the conditions for placement on and/or return from an MLOA would be different under the new MLOA policies and procedures; (c) its determination about whether individual relief is appropriate for each student; and (d) if applicable, any proposed remedies as a result of its review for OCR's approval. Within 7 calendar days of OCR's approval of the University's review and proposed remedies, the University will offer any approved remedies to students as appropriate.

Reporting Requirement: If applicable, within 7 calendar days of the University providing any remedies to students, the University will provide to OCR documentation that it provided any approved remedies to students who accepted the remedies, as identified above.

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, at 34 C.F.R. Part 104, which was at issue in this case. The University 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 regulation implementing Section 504, at 34 C.F.R. Part 104, which was at issue in this case.

[Signature]
 University President or designee
 Georgetown University

Oct. 7, 2011
 Date

Voluntary Medical Leave of Absence (MLOA) Policy

In Effect as of May 9, 2012

Introduction

The University recognizes that students may experience medical situations that significantly limit their ability to function successfully or safely in their role as students. In those situations, students should consider requesting a medical leave of absence (MLOA), which permits students to take a break from University life and their studies, so that they may receive treatment and later return to the University with an enhanced opportunity to achieve their academic and co-curricular goals.

Georgetown University has designed this policy to ensure that students are given the individualized attention, consideration and support needed to address medical issues that arise or escalate during their time at the University. This policy outlines a flexible and individualized process that students should follow to request a medical leave of absence to address their medical difficulties so that they can return to successfully matriculate at the University.

Note: Students may also be eligible to take other types of leave from their academic program. Undergraduate students should consult the Undergraduate Bulletin, available at <http://bulletin.georgetown.edu/regulations1.html>, and contact their academic Dean's office for more information. Graduate students should consult the Graduate Bulletin, available at <http://grad.georgetown.edu/pages/bulletin.cfm>, and contact their academic Dean's office for more information.

Advantages of Taking a Medical Leave of Absence

Students who take a MLOA may be eligible to receive the following advantages that may not be afforded by another type of leave of absence:

1. For undergraduate and graduate students, a MLOA does not necessarily disrupt the student's guarantee of scholarships or funding.
2. A MLOA may allow a student to initiate a leave of absence and withdraw from classes later in the semester than is normally permitted for personal leaves of absence.
3. The length of time a student may take to recover while on a MLOA is typically longer than the length of time permitted by an academic program for a personal leave of absence.
4. For students with tuition reimbursement insurance, a MLOA generally qualifies a student for benefits under tuition insurance plans they may carry.
5. For international students, a MLOA may provide a way to remain in the US legally.

Medical Leave of Absence Process

The following procedures provide for an individualized approach for assessing a student's eligibility to take and return from a MLOA and are designed to be reasonable and flexible.

The Exit Process

Students who are experiencing significant health issues that are interfering with their academics or university life may choose to request a voluntary medical leave of absence. Students interested in a MLOA should contact their academic Dean's office, and the Counseling and Psychiatric Service or Student Health (hereinafter referred to as the "appropriate Health Service"). After a meeting with the student, the appropriate Health Service will submit a recommendation to the Dean's Office that a student's request for a MLOA be approved where the student's health, safety, or academic success has been compromised by a significant health issue. In recommending a medical leave, the appropriate Health Service will make individualized treatment recommendations to students designed to help them become academically and personally ready to resume life at the University. The appropriate Health Service's recommendation will be forwarded to the Dean's Office, who is responsible for granting leaves of absence. The exit process proceeds as quickly as possible to allow a student experiencing difficulties due to a medical condition to immediately step away from University life and receive the support they need.

Because every student's situation is different, the length of the recommended leave will be determined individually. The goal of taking a MLOA is to ensure that students return to the University with an increased opportunity for academic success and students should take the time to achieve this goal. Students should check in with their academic Dean's office prior to and during their leave as leaves may not be permitted indefinitely.

Returning from a MLOA

When a student is interested in returning to the University from a voluntary medical leave of absence, the student should take the following steps in order to initiate the re-enrollment process:

1. Contact his or her academic Dean's office and the appropriate Health Service to advise of the student's interest in re-enrolling well in advance of the intended return date. The appropriate Health Service requests that students submit all materials by November 1 for consideration for the spring semester, April 1 for the summer sessions, and June 30 for the fall semester. This ensures that the appropriate Health Service and the Dean's office have sufficient time to review the student's request and re-enroll the student. If materials are received shortly after the relevant deadline, the University will attempt to be flexible and review the student's request to return for the desired semester. However, if there is missing information and/or the University needs additional time to contact the

student's treatment provider, as discussed below, consideration for a return may be made for the following semester rather than the semester for which they were initially seeking to return.

2. Speak with the appropriate Health Service and Dean's office to determine whether any unfinished course work should be completed prior to returning from the leave.
3. Have treatment providers send a report documenting their work with the student, the student's clinical status, and an opinion as to the student's readiness to successfully resume academics and university life. The appropriate Health Service relies heavily on information received from the student's treatment provider. Students will be asked to provide Release of Information Forms to the appropriate Health Service so that its representative may communicate with treatment providers, the Deans, and the Academic Resource Center, where appropriate, regarding their return.
4. Depending upon the nature and individual circumstances of the MLOA, provide information to the appropriate Health Service showing that the student has reasonable capability of day-to-day functioning, with or without accommodations. The decision to require a student to provide this information is made on an individualized basis, and the decision and an explanation for this decision is conveyed to the student, in writing, during the exit process. The appropriate Health Service may also require this information be submitted at a later time if it determines that the information provided by the student's treatment provider is not sufficient to make a recommendation about return. In those cases, the appropriate Health Service will provide the student with a written explanation for this determination. There are many ways in which a student might be able to demonstrate their day-to-day functioning. Students may choose to provide documentation from a reliable adult community observer who can comment on a student's activities and readiness to resume university life. A reliable adult community observer could be a mentor, a member of the clergy, a work or community service supervisor, co-worker, personal trainer, athletic coach, or some other individual in a position to have observed the student during the course of the leave (not a family member). Where possible, the letter should be submitted on letterhead stationery, signed, dated, and describe the student's daily activities and the extent to which the writer feels the student is ready to resume studies at Georgetown University and participate productively in University life. The student may choose to have the letter sent to their Dean and ask the Dean to forward it to appropriate Health Service if more convenient. Alternatively, a student may provide the name and contact information of a reference who will be able to provide information concerning the student's daily activity and readiness to resume studies to the appropriate Health Service. The student will not have to disclose the reason for the leave of absence to the letter writer or reference.

5. Depending upon the nature and individual circumstances of the MLOA, provide a brief statement (no more than two pages) describing (1) the student's experience away from Georgetown including the activities undertaken while away, (2) the student's current understanding of the factors that led to the need for the leave, and the insights the student has gained from treatment and time away, and (3) how the student plans to ensure a successful return to Georgetown University. The decision to require a student to provide this information is made on an individualized basis, and the decision and an explanation for this decision is conveyed to the student, in writing, during the exit process. The appropriate Health Service may also require this information be submitted at a later time if the University determines that the other information submitted is not sufficient to make a recommendation about return. In those cases, the appropriate Health Service will provide the student with a written explanation for this determination. Any requests for additional information may extend the University's timeframe for reviewing requests to return. The University will notify the student of any situations where its review is delayed and the cause for the delay.

Processing a Student's Request to Return from a MLOA

Once a student has sent in the materials, he or she should call to double check that the appropriate Health Service has received these materials. Following a review of these materials, the Director of the appropriate Health Service, or the Director's designees, will determine if the student appears ready to resume academics and university life. The appropriate Health Service will recommend a student for a return where the documentation demonstrates that he or she is ready to resume studies and be a successful member of the campus community. Every effort will be made to respond to the student's request for return within 14 calendar days of submission of all the required materials. A longer response time may be caused by the inability to reach a student's treatment provider, high volume in the appropriate Health Service, or other extenuating circumstances.

As described above, the appropriate Health Service gives significant weight to the documentation of the opinion of student's treatment providers regarding the student's ability to function academically and safely at the University with or without accommodations. During the process of reviewing an application, if the appropriate Health Service determines that information provided by the treatment provider is incomplete, requires further explanation or clarification, or when there is a disconnect between the medical information provided by the treatment provider and other information in the student's files, the appropriate Health Service will contact the treatment provider to obtain additional information. In extraordinary circumstances (e.g., the University is concerned about the medical provider's credentials), the appropriate Health Service may request that the student undergo an additional assessment to allow the University to make a determination about the student's readiness for return. In those rare instances, the appropriate Health Service will notify the student of its rationale for making this request.

Once a student receives a satisfactory review, the appropriate Health Service will contact the student to request a check-in visit to review the students' safety and review their plan for sustained health, including recommendations for ongoing treatment, on or off campus. Students with disabilities may be eligible for reasonable accommodations and/or special services in accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act (ADAA) of 2008. Students are responsible for communicating their requests for academic accommodations to the Academic Resource Center (ARC). Detailed information on the process for requesting accommodations may be found on the ARC website.

The appropriate Health Service will then provide a recommendation for return to the dean's office of the student's school or college, and the dean's office will make the final determination of whether a student is able to return. The Dean's office will be in touch with students regarding any applicable academic requirements upon returning to the University.

If upon review, the appropriate Health Service submits a recommendation to the Dean's office that a student is not ready for return, the student will be advised of the Health Service's recommendation in writing along with recommendations that will enhance the student's chance of a positive recommendation the next time the student's request is considered. A student may appeal the Health Service's recommendation that he or she is not ready to return to the University by submitting an appeal letter in writing to the Associate Vice President for Student Health within 10 business days of receiving notice of the negative recommendation. The student may also submit any information he or she believes to be relevant to the appeal. The Associate Vice President will review the student's submission and make a final determination as to recommendation for return.