

**Resolution Agreement
Bethel University
Complaint #05-15-2468**

On June 22, 2105, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint (complaint #05-15-2468) against Bethel University (University), Arden Hills, Minnesota, alleging discrimination on the basis of disability pursuant to 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. The purpose of this document (Agreement) is to resolve the compliance issues raised by complaint #05-15-2468.

Disability Discrimination Grievance Procedures

1. By January 15, 2016, the University will review and revise, as necessary, its grievance procedures providing for the prompt and equitable resolution of any complaints alleging disability discrimination, including those filed by faculty, staff, students, applicants or third parties. The University will ensure that its grievance policies and procedures include, at a minimum, the following:
 - a. examples of the type of conduct and behavior that is covered by the policy, including faculty-to-student, staff-to-student and student-to-student conduct;
 - b. identification of the kinds of activities and sites where prohibited conduct could occur;
 - c. an explanation of how to report disability discrimination and/or file a complaint (formally or informally) against faculty, staff, or students (if different processes) including the name, address, phone number, and email address for the University's Section 504 Coordinator(s);
 - d. a description of the informal and formal complaint procedures for complaints against faculty, staff, and students (if different procedures), including but not limited to:
 - (1) a complaint form;
 - (2) designated and reasonably prompt timeframes for major stages of the investigation and for completion of the investigation of a complaint;
 - (3) notice that the University will keep the complaint and investigation confidential to the extent possible;
 - (4) a requirement that written notice of the outcome be provided to the parties;
 - (5) a requirement that both parties will be given equal opportunity to present evidence;
 - (6) an assurance that both parties will receive periodic status updates (to the extent permitted under the Family Educational Rights and Privacy Act);

- (7) an appeal process for both parties conducted in an impartial manner by an impartial decision-maker;
 - (8) a statement that students with disabilities may request assistance from the disability services office prior to the hearing;
 - (9) an explanation of the University's policy of individuals (advisors) who may attend hearings with the parties; and
 - (10) a statement that any party has the right to end the informal process at any time and begin the formal stage of the complaint process.
- e. an assurance that the University uses in its investigation of complaints a preponderance of the evidence standard of review (*i.e.*, it is more likely than not that disability discrimination occurred);
 - f. specific information as to the name or title and contact information (including office and email address and telephone number) for the University employee(s) responsible for receiving the complaint form and/or investigating reports of discrimination;
 - g. a requirement that designated employee(s) at the University document all reports of incidents of discrimination, and that the University establish a protocol for recordkeeping of such incidents;
 - h. a statement that the University will take appropriate disciplinary action against faculty, staff, and students who violate the University's policies and procedures addressing discrimination, and examples of the range of possible disciplinary sanctions;
 - i. a prohibition of retaliation against persons who report discrimination or participate in related proceedings, and discipline of individuals who engage in retaliation;
 - j. identification of the means to investigate incidents of disability discrimination, including but not limited to the various steps the University will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the University will take action to stop the discrimination, remedy the discrimination and prevent recurrence, and the University's standards for determining whether a hostile environment exists.

REPORTING REQUIREMENT: By January 15, 2016, the University will submit to OCR for its review and approval the revised disability discrimination policies referenced in Item # 1.

Within 15 days of OCR's approval of the revised disability discrimination grievance procedures, the University will widely publish the revised disability discrimination grievance procedures by printing them in the University's student and staff handbooks and on the University's website.

The University will submit documentation to OCR showing that it published the disability discrimination grievance procedures referenced in Item # 1 within 30 days of OCR's approval of such.

Employee Training

2. The University will conduct annual training of all individuals involved in processing, investigating and/or resolving complaints or grievances of disability discrimination. The training will include an overview of Section 504 and of the University's disability discrimination grievance procedures. This training will include the following components, at a minimum, pertaining to peer, faculty, staff and third party discrimination:
 - a. the University will provide a general overview of Section 504, including how the law's non-discrimination provisions apply to students, employees, applicants and third parties; the names and contact information for the designated employee(s) to whom students or others may report allegations of discrimination; where to locate the University's discrimination policies and procedures on the University's website; and the existence of OCR and its authority to enforce Section 504;
 - b. the University will explain the disability discrimination grievance procedures, including an explanation of what constitutes disability discrimination, the role of the University's Section 504 Coordinator, and disciplinary sanctions related to findings of violations of the University's discrimination policies and procedures, including the University's policy prohibiting retaliation;
 - c. the University will distribute written materials that contain the information discussed.

REPORTING REQUIREMENT: By May 30, 2016, and by September 30, 2016, the University will provide documentation to OCR that it has provided the training required in Item #2.

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 students, administrators or staff, 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 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. § 104.7(b), which are at issue in this complaint.

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 which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Bethel University:

President

Date