

# SETTLEMENT AGREEMENT

## I. INTRODUCTION

Heritage University (university) enters into this Settlement Agreement (agreement) to resolve the compliance issues identified by the U.S. Department of Education (OCR) in its investigation of OCR Reference No.10132211, conducted under the authority of Section 504 of the Rehabilitation Act of 1973.

## II. GENERAL PROVISIONS

- A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No. 10132211 and does not constitute an admission by the university of any violation of Section 504 or any other law.
- B. 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 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 sixty (60) calendar days to cure the alleged breach.
- C. The university understands that by signing this agreement, it 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, interview staff and students, and request such additional reports or data as is necessary for OCR to determine whether the university has fulfilled the terms of this agreement and is in compliance with the regulations implementing the statute at 34 C.F.R. § 104.1-104.47 and 104.7(b), which were at issue in this case.
- 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 the applicable statute at 34 C.F.R. § 104.1-104.47 and 104.7(b).

## III. REMEDIAL PROVISIONS

- A. Policies and Procedures

By March 31, 2015, the university will, in consultation with OCR, review and revise its policies, procedures, and practices to ensure compliance with Section 504 regulations, including that no preadmission inquires or disclosures regarding student's disabilities or disability status are made to the university or by the university, except as authorized under the exceptions set forth in the Section 504 regulations.

B. Section 504 Grievance Policies and Procedures

By March 31, 2015, the university will review and revise, as necessary, its grievance policies and procedures to ensure their consistency with Section 504, including that the policies and procedures provide for the prompt and equitable resolution of disability discrimination complaints. The grievance policies and procedures shall provide for:

- a. Access to the grievance procedure process for students, employees, contractors, and third-parties.
- b. Adequate, reliable, and impartial investigations of grievances, including the opportunity to present witness names and other evidence;
- c. Reasonably prompt timeframes for all of the major stages of the grievance process;
- d. Written notice to the parties of the outcome of the grievance;
- e. An assurance that the university will take steps to prevent recurrence of any discrimination and/or harassment and to correct any discriminatory effects on the grievant and others, as appropriate; and
- f. A prohibition against retaliation for raising formal or informal allegations of discrimination or participating in a grievance or investigation.

C. Notice and Training

1. Within 30 calendar days after adoption of the OCR approved, revised policies and procedures, referred to in sections III.A and B, the university will publish these materials on the university's website, and provide written notice of the revisions to all university staff.

2. Within 90 calendar days from the date that the policies and procedures are published by the university pursuant to sections III.A and B, the university will conduct training on the revised policies and procedures for all staff members whose programs include internships or practicums as part of the coursework.

#### **IV. REPORTING PROVISIONS**

##### **A. Policies and Procedures**

1. By March 31, 2015, pursuant to section III.A, of the agreement, the university will provide OCR a copy of its draft policies and procedures, for OCR's review and approval.
2. Within 45 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to section IV.A.1, of the agreement, the university will provide OCR with documentation to substantiate that it has adopted and published the OCR-approved policies and procedures. The report will include a copy of the published policies and procedures and a link to the university's website where the policies and procedures are referenced.

##### **B. Section 504 Grievance Policies and Procedures**

1. By March 31, 2015, pursuant to section III.B, of the agreement, the university will provide OCR a copy of its draft grievance policies and procedures, for OCR's review and approval.
2. Within 45 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to section IV.B.1, of the agreement, the university will provide OCR with documentation to substantiate that it has adopted and published the OCR-approved policies and procedures. The report will include a copy of the published policies and procedures and a link to the university's website where the policies and procedures are referenced.

##### **C. Notice and Training**

1. Within 15 days of completing the staff training pursuant to section III. C the university will provide a report to OCR that reflects the specific actions taken to comply with the training requirements of that section. The report will include the identity and qualifications

of the trainer utilized by the university, a copy of the materials used for the training, the date or dates of the training, and a roster of the individuals who attended the training, including the staff persons' name and title with the university.

Signed:

\_\_\_\_\_/ s/ \_\_\_\_\_

Dr. John Bassett  
President  
Heritage University

\_March 12, 2015\_\_\_\_\_

Date