

RESOLUTION AGREEMENT

Pontifical Catholic University of Puerto Rico OCR Case No. 02-16-2165

In order to resolve Case No. 02-16-2165, Pontifical Catholic University of Puerto Rico (the University) assures the U.S. Department of Education, 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: Section 504 Coordinator

By September 30, 2016, the University will officially designate at least one person to coordinate its efforts to comply with Section 504 and its implementing regulation (and may include other bases).

Reporting Requirement: By October 15, 2016, the University will provide to OCR the name, office address, telephone number, and electronic mail (email) address of the person(s) designated to coordinate its efforts to comply with Section 504 and its implementing regulation.

Action Item 2: Notice of Nondiscrimination

By September 30, 2016, the University will revise its existing notice of nondiscrimination to state that the University does not discriminate on the basis of disability (and may include other bases)¹ in admission or access to, or treatment or employment in, its programs and activities, as applicable. Additionally, the notice will state that inquiries concerning the application of regulations prohibiting discrimination on the basis of disability (and may include other bases) may be referred to the Section 504 coordinator(s) (or a coordinator(s) designated for all of the regulations OCR enforces), or to OCR. The notification will include the name, office address, telephone number, and email address of the coordinator(s). The University will ensure that this notice of nondiscrimination is included in each, as applicable, announcement, bulletin, catalog, or application form which the University makes available to students, parents, employees, applicants for employment or enrollment, unions, and professional organizations holding collective bargaining or professional agreements with the University.

¹ In addition to Section 504, the regulations implementing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975, contain similar requirements for recipients to notify beneficiaries and others of its obligations under the respective regulation that it does not discriminate on the basis of race, color, national origin, sex and age. (See 34 C.F.R. §§ 100.6(d), 106.9, and 110.25, respectively.)

Reporting Requirements:

- (a) By October 15, 2016, the University will provide a copy of its proposed notice of nondiscrimination to OCR for review and approval. OCR will respond within fifteen (15) calendar days.
- (b) By November 30, 2016, the University will provide copies of revised materials and publications containing the notice of nondiscrimination, and/or a link to the on-line versions of the materials and publications in which the nondiscrimination notice appears. Inserts may be used pending reprinting of the materials and publications. The University may use other reasonable methods of notification, such as notification through the School's website, email messages to employees and students, etc., pending revision and reprinting of materials and publications.

Action Item 3: Grievance Procedures

By November 30, 2016, the University will either revise its existing "Reasonable Accommodation Policy (the Policy) or adopt a new grievance procedure that provides for the prompt and equitable resolution of complaints alleging all forms of discrimination and harassment on the basis of disability (and may include other bases). The Policy (as revised), or any new grievance procedure will include, at a minimum, the following:

- 1) Notice that the grievance procedure applies to complaints by students alleging discrimination on the basis of disability (including disability harassment, and may include other bases) by employees, other students, or third parties;
- 2) An explanation as to how to file a complaint pursuant to the procedure;
- 3) The name/title, office address, telephone number, and email address of the individual(s) with whom to file a complaint;
- 4) Definitions and examples of what types of actions may constitute disability discrimination (including disability harassment, and may include other bases);
- 5) Steps the University will take to conduct an appropriate and impartial investigation of complaints, and interim measures the University may take during the investigation;
- 6) An assurance that the University will offer counseling and academic support services to a person found to have been subjected to harassment; and, where appropriate, to person(s) who committed the harassment;
- 7) Designated and reasonably prompt timeframes for major stages of the complaint receipt, review, investigation and resolution process, including the appeal process, if any;
- 8) An opportunity for the parties to provide witnesses and other evidence;

- 9) Written notice to the parties of the outcome to the extent permitted by law;
- 10) Notice of the opportunity for parties to appeal the findings, if an appeal is allowed; and, an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker, who may be an employee or other designee of the University;
- 11) Examples of the range of possible disciplinary sanctions and the types of remedies available to address the effects on victims and others;
- 12) An assurance that the University will take steps aimed at preventing the recurrence of discrimination and harassment, and correcting its discriminatory effects, if appropriate; and,
- 13) A statement that the University prohibits retaliation against any individual who files a complaint or participates in a complaint investigation.

Reporting Requirements:

- (a) By December 15, 2016, the University will provide to OCR a draft of its revised Policy or new grievance procedure for OCR's review and approval. OCR will respond within thirty (30) calendar days.
- (b) Within sixty (60) days after the University's receipt of OCR's approval of the revised Policy or new grievance procedure, the University will provide documentation to OCR demonstrating that it has adopted the OCR-approved procedure and updated its printed publications and on-line publications with the procedure (inserts and/or stickers (hereinafter referred to as "inserts") may be used pending reprinting of these publications. This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the procedures; and, (ii) if not yet finalized, copies of inserts for printed publications. If inserts are used for any publications that are revised pursuant to Action Item 3, then by May 31, 2017, the University will confirm that printed versions of all publications that contained the prior version of the University's Policy, now contain the revised Policy or new grievance procedure. Dissemination may occur by the methods usually employed by the University for distributing the University policies and procedures, including posting on the University's website.

Action Item 4: Training for Staff

Within ninety (90) calendar days after the University's receipt of OCR's approval of the revised Policy or new grievance procedure, the University will provide training regarding the prohibitions against disability harassment and discrimination (other protected bases may also be included in this training) to all faculty, staff and administrators within the University. The training will include instruction regarding the following: (a) the requirements of Section 504, including that disability harassment and discrimination is prohibited and will not be tolerated; (b) what types of conduct constitutes such harassment and discrimination; (c) the negative impact

that such harassment and discrimination has on the educational environment; (d) how faculty, staff and administrators are expected to respond to such harassment and discrimination that they experience or witness, or of which they otherwise know, including the reporting avenues available; (e) the responsibility of faculty, staff and administrators to report incidents of possible harassment and discrimination, and the procedures for doing so; and (f) where, how, and to whom instances of disability harassment and discrimination are to be reported.

Reporting Requirement: Within one hundred (100) calendar days after the University's receipt of OCR's approval of the revised Policy or new grievance procedure, the University will provide documentation to OCR demonstrating that the training referenced in Action Item 4 was provided to all relevant faculty, staff and administrators referred to in Action Item 4. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer(s); copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by relevant faculty, staff, and administrators at the University.

Action Item 5: Training for Investigators and Other Relevant Staff

Within ninety (90) calendar days after the University's receipt of OCR's approval of the revised Policy or new grievance procedure, the University will provide training to all University staff who are directly involved in processing, investigating and/or resolving complaints or other reports of disability discrimination, including harassment complaints, and any other University personnel who are likely to receive reports of such discrimination or harassment. The training will review the University's policies and procedures on disability discrimination, and include instruction on how to conduct and document discrimination and/or harassment investigations in an adequate, reliable and impartial manner; including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the University's policy prohibiting discrimination and/or harassment.

Reporting Requirement: Within one hundred (100) calendar days after the University's receipt of OCR's approval of the revised Policy or new grievance procedure, the University will provide documentation to OCR demonstrating that the training referenced in Action Item 5 was provided to all staff referred to in Action Item 5. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer(s); copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by staff directly involved in the processing, investigating and resolving of disability discrimination complaints.

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. §§ 104.7 and 104.8, 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. §§ 104.7 and 104.8, which were at issue in this case. 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 (34 C.F.R. §§100.9, 100.10), or judicial proceeding 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.

8/31/16
Date

/s/
Leandro Colón Alicea
Vice President of Academic Affairs
Pontifical Catholic University of Puerto Rico