

**Resolution Agreement
Nova Southeastern University
OCR Docket Number 04-14-2350**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Nova Southeastern University (University), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination and retaliation on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination and retaliation on the basis of disability by public entities.

The University agrees to take all steps reasonably designed to ensure that students enrolled in the University are not subject to a hostile environment on the basis of disability and the University will promptly investigate all incidents and complaints of harassment. Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful or humiliating. The University will take prompt and effective responsive action reasonably designed to end the hostile environment, if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected student (s). Accordingly, to ensure compliance with Section 504 and Title II, the University voluntarily agrees to take the following actions:

Policies and Procedures

1. By July 1 , 2016, the University will develop and submit to OCR for its review and approval draft grievance procedures to address discrimination and harassment complaints under Section 504, alleged to have been committed by faculty, staff members, students, or third parties (such as members of the general public or vendors). The University will ensure that these procedures provide for the prompt and equitable resolution of all complaints and will include, at a minimum, the following:
 - a. notice to students, third parties and employees of the procedures, including where complaints may be filed;
 - b. application of the procedures to complaints of discrimination (including harassment) carried out by employees, students or third parties;
 - c. provision for prompt, adequate, and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence;
 - d. designated and reasonably prompt timeframes for the major stages of the investigation;
 - e. written notification to the complainant and subject of the complaint of the outcome of the investigation;
 - f. definition of disability harassment and what constitutes a hostile environment;

- g. an assurance that the University will take steps to prevent the recurrence of any discrimination and harassment, to correct its discriminatory effect and remedy the effects on students and others, if applicable,

REPORTING REQUIREMENT: By July 1, 2016, the University will submit its grievance procedures to OCR for its review and approval.

B) By August 1, 2016, or within 60 days of OCR's approval of the procedures developed in accordance with this item of the Agreement, whichever is later, the University will adopt and implement the procedures and will provide all faculty, staff and students as written notice regarding the procedures together with information on how to obtain a copy of the procedures. The University will make this notification through the University's website; electronic mail messages to faculty, staff and students; and employee and student handbooks.

REPORTING REQUIREMENT: Within 30 calendar days after the completion of this Item, the University will provide OCR with documentation that it has implemented this Item, including copies of the written notices issued to faculty, staff, and students as well as their parents or guardians regarding the procedures and a description of how the notices were distributed; copies of its revised employee and student handbooks; and a link to its webpage where the procedures are located.

University Statement Regarding Disability-Based Harassment

2. By July 1, 2016, the University will issue a statement to the University's students, staff and faculty that will be printed in the University's newsletter, website, student handbook and posted in prominent locations on the University's campus School, stating that the University does not tolerate harassment on the basis of disability. The statement will encourage any student who believes that he or she has been subjected to harassment on the basis of disability to report the harassment to the University, and note the University's commitment to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The statement will include the appropriate contact information for the individual designated to receive complaints of harassment on the basis of disability. The statement will warn that students or employees found to have engaged in acts of harassment on the basis of disability will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion for students or suspension or termination for employees. The statement will encourage students, parents and University staff to work together to prevent harassment on the basis of disability.

REPORTING REQUIREMENT: By July 25, 2016, the University will provide OCR with a copy of the statement referred to in Item 2, to include a description of the location(s) at which the statement was published.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b), and Title II, at 28 C.F.R. § 35.130(a) and (b).

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. §§ 104.4(a) and (b), and Title II, at 28 C.F.R. § 35.130(a) and (b), 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 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.

University Representative

Date

Printed Name and Title