

**Resolution Agreement**  
**Auburn University Montgomery (AL)**  
**OCR Complaint # 04-15-2035**

Auburn University Montgomery (University) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 04-15-2035 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of 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 and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35.

**Notice of Nondiscrimination**

1. By **May 15, 2015**, the University will revise its Notice of Nondiscrimination to include the title, office address, and telephone number of the person(s) responsible for coordinating the University's compliance with Section 504 and Title II.

REPORTING REQUIREMENT: By **May 30, 2015**, the University will provide OCR with a copy of its Notice of Nondiscrimination revised in accordance with Item 1.

**AUM 504 Grievance Procedures**

2. By **May 30, 2015**, the University will develop and submit to OCR for its review and approval revised grievance procedures to address discrimination and harassment complaints under Section 504 and Title II 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 effective resolution of all complaints and will include, at a minimum, the following:
  - a. notice to students, parents 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; and
  - f. an assurance that remedial action will be taken to address and resolve any found incident of discrimination or harassment, and to correct its discriminatory effects on the complainant and others, if appropriate.

**REPORTING REQUIREMENT:** Within **45 days** of OCR's approval of the procedures developed in accordance with Item 2 above, the University will adopt and publish its grievance procedures in accordance with the requirements of Section 504 and Title II.

### **Anti-Harassment Policy**

3. By **May 15, 2015**, the University will revise and submit to OCR for its review and approval a revised Anti-Harassment Policy to address discrimination and harassment complaints 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 effective resolution of all complaints and will include, at a minimum, the following:
  - a. notice to students, parents 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; and
  - f. an assurance that remedial action will be taken to address and resolve any found incident of discrimination or harassment, and to correct its discriminatory effects on the complainant and others, if appropriate.
4. The University will also revise its Anti-Harassment Policy to include the title of its 504/Title II, Title IX, and Title VI Coordinators and their contact information in its Anti-Harassment Policy.

**REPORTING REQUIREMENT:** Within **45 days** of OCR's approval of the policy and procedures developed in accordance with Items 3 and 4 above, the University will adopt and publish its anti-harassment policy and procedures in accordance with the requirements of Section 504 and Title II.

### **Training**

5. By **August 1, 2015**, the University will initiate annual, mandatory training for its staff in the Center for Disability Services and administrators who are responsible for investigating complaints of discrimination and harassment on the University's newly created Section 504/Title II grievance procedures and revised statement of nondiscrimination.

**REPORTING REQUIREMENT:** By **September 1, 2015**, or within 30 days of the training being conducted, whichever is later, the University will provide a report confirming the completion of the training required under Item 5 above. The

documentation shall include: (1) the date of the training session; (2) the number and titles of employees who participated in the training session; and (3) a copy of the agenda and training materials disseminated.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner to 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. § 104.43(a), § 104.7(a) and (b), as well as the regulation implementing Title II at 28 C.F.R. § 35.130(a) and 28 C.F.R. § 35.107(a) and (b).

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.43(a), § 104.7(a) and (b), as well as the regulation implementing Title II at 28 C.F.R. § 35.130(a) and 28 C.F.R. § 35.107(a) and (b).

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 a minimum of sixty (60) calendar days to cure the alleged breach.

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**University President**

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**Date**