

RESOLUTION AGREEMENT

Drury University
OCR Docket Number 07132211

Drury University (University), Springfield, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the allegation against the University in OCR Docket Number 07132211, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104. Before OCR completed its investigation, the University asked to resolve the allegation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and its implementing regulations, and to resolve the allegation in this complaint, the University voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves OCR Docket No. 07132211 and does not constitute an admission by the University of any violation of Section 504 or any other law.

OCR agrees to discontinue its investigation of OCR Docket No. 07132211 based upon the University's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in OCR Docket No. 07132211.

In the event the University fails to implement any provision of this Agreement, OCR may resume its investigation of the complaint or take other appropriate measures within its authority to ensure compliance with Section 504.

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.

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.

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

II. RESOLUTION PROVISIONS

Grievance Procedure

1. By May 16, 2014, the University will draft a grievance procedure for complaints of discrimination on the basis of disability, age, race or national origin¹, including complaints of harassment. The University may consult with OCR for technical assistance in revising its grievance procedure. The revised grievance procedure will include:
 - a. a statement that the grievance procedure is applicable to complaints alleging discrimination on the bases of disability, age, race, color, and national origin including allegations of harassment;
 - b. a notice to students of the process for filing a grievance, including who to contact, campus specific contact information for that individual including the position title, business address, and telephone number, and how to initiate a grievance;
 - c. a provision for the adequate, reliable and impartial investigation of all complaints including the opportunity to present witnesses and other evidence;
 - d. designated and prompt timeframes for the completion of the major stages of the grievance process;
 - e. a requirement that individuals involved in processing grievances be trained in complaint investigation and are knowledgeable about the University's obligation to comply with Federal laws prohibiting discrimination in the University's programs;
 - f. a notice to the parties of the disposition of the grievance at each stage of the process;
 - g. a fair and equitable appeal process;
 - h. a provision requiring individuals involved in a grievance maintain the confidentiality of information obtained during a grievance, including the name

¹ The Department's Title VI regulation addresses discrimination based on race, color, or national origin. It does not require recipients of federal financial assistance to adopt a grievance procedure to address complaints of race discrimination or harassment. However OCR recommends the University adopt a grievance procedure to address race discrimination allegations.

of the person who files a grievance and other information received during the processing of a grievance;

- i. a notice that retaliation against a person who files a complaint of discrimination or persons who participate in related proceedings is prohibited;
- j. an assurance that if discrimination is established, appropriate corrective and remedial actions will be taken; and
- k. a notice that complaints of discrimination and/or harassment on the basis of disability, age, sex, race, color, or national origin may be filed with the U. S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut, Suite 320, Kansas City, Missouri 64106, (816) 268-0550.

REPORTING REQUIREMENT: By **May 31, 2014**, the University will submit to OCR for review and approval a copy of its draft grievance procedure.

2. Within 30 days after OCR's approval of the grievance procedure, the University will adopt and disseminate its revised grievance procedure to all students and employees by:
 - a. publishing the revised grievance procedure in the catalog, and student and employee handbooks;
 - b. posting the grievance procedure in a readily accessible location on the College's website; and
 - c. forming all students by email of the grievance procedure and where students can find the grievance procedure in handbooks, catalogs, and on the University's website.

REPORTING REQUIREMENT: By **August 31, 2014**, the University will submit to OCR a copy of the catalog, and student and faculty handbooks containing its revised grievance procedure as well as the link to the revised grievance procedure on the University's website.

Notice of Nondiscrimination

3. By May 16, 2014, the University will revise its notice of nondiscrimination to include the name(s), office address, and telephone number of the individual(s) to whom incidents of discrimination should be reported.

REPORTING REQUIREMENT: By **May 31, 2014**, the University will provide OCR with a copy of its revised notice of nondiscrimination.

4. Within 60 days of receiving OCR's approval of the revised notice of nondiscrimination, the University will publish its revised notice of nondiscrimination in publications containing general information about the University, including but not limited to, the following publications: student and employee handbooks, catalogs, application forms, and other documents that it makes available to students, employees, and other interested persons. The University will also prominently display its revised notice of nondiscrimination in an easily visible location on its website.

REPORTING REQUIREMENT: By **August 31, 2014**, the University will provide OCR with documentation evidencing the publication of the notice of nondiscrimination.

Training

5. By **October 1, 2014**, the University will provide training for all faculty and administrators regarding the University's grievance procedure.

REPORTING REQUIREMENT: By **October 31, 2014**, the University will submit to OCR documentation demonstrating the completion of the training for all faculty and administrators regarding the University's grievance procedure. Such documentation should include the date(s) of the training session(s), an outline on the content of the training, the name, position, and credentials of the trainer(s), and an attendance sheet signed by the participants, providing their name, and work location, at the training session.

/s/ David P. Manuel
Dr. David Manuel
President

10/29/13
Date