

## Voluntary Resolution Agreement

### Grand Canyon University OCR Case Number 08-16-2074

In order to resolve the procedural issues identified during the investigation of Case Number 08-16-2074 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Grand Canyon University (University) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 Code of Federal Regulations Part 104, the University agrees to take the actions outlined in this Voluntary Resolution Agreement (Agreement).

Prior to OCR's completion of its investigation and before OCR had made any findings, the University indicated its desire to voluntarily enter into an agreement to resolve potential compliance issues relating to Section 504 that arose during the resolution of the complaint. Pursuant to Section 302 of OCR's *Case Processing Manual*, complaint allegations and issues may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the agreement's remedies align with the allegations and issues. The Agreement requirements are aligned with the identified issues and consistent with Section 504's regulatory requirements. The University's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

#### REMEDIAL ACTIONS

1. By July 1, 2016, the University shall designate at least one person to coordinate (504 Coordinator) the University's efforts to comply with the requirements of 34 C.F.R. § 104.7.
2. By July 1, 2016, the University will provide for OCR's review the identified 504 Coordinator's credentials and qualifications, which demonstrate the 504 Coordinator's ability to appropriately meet the University's Section 504 compliance obligations.

If OCR determines that the identified individual lacks the necessary qualifications, the University will develop a plan for immediately providing relevant training to the selectee. Any necessary training must be completed within 30 days of selection. The University will maintain and provide to OCR documentation of delivery and receipt of the training by the selectee.

**Reporting Requirement:** *By September 1, 2016*, the University will provide documentation demonstrating completion of Terms 1 and 2.

3. By July 1, 2016, the University will submit for OCR approval draft Section 504 grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of disability related complaints by students, faculty, staff, and others consistent with the requirements of 34 C.F.R. § 104.7.
4. The University agrees to respond to OCR's feedback regarding the draft grievance procedures, which will be implemented and published only upon OCR's approval.

**Reporting Requirement:** *By August 1, 2016*, the University will provide documentation demonstrating completion of Terms 3 and 4.

5. By September 1, 2016, the University will provide written or electronic notice to its students that the University does not tolerate discrimination on the basis of disability. This notice will include a description of the University's process for filing a disability discrimination complaint and identify the University's identified Section 504 Coordinator, including contact information. 34 C.F.R. §§ 104.7, 104.8.

**Reporting Requirement:** *By October 1, 2016*, the University will provide documentation demonstrating completion of Term 5 to include documentation of delivery of the nondiscrimination notice to students, and a copy of the document issued.

6. *By August 1, 2016*, and in consultation with OCR, the University will develop a training Memoranda advising *all* University staff, faculty, and administrators of their obligation to respond promptly and equitably to *all* complaints of disability discrimination.
7. Ensure that the training Memoranda referenced above specifically emphasizes:
  - a. The appropriate implementation of the University's non-discrimination grievance procedures;
  - b. How to recognize an allegation of disability discrimination;
  - c. Retaliation is strictly prohibited; and
  - d. The contact information for the University's Section 504 Coordinator.
8. Prior to issuing the Memorandum, the University will provide OCR with a draft of the Memorandum for OCR's review and approval. The University agrees to respond to OCR's feedback regarding the Memorandum, which will be issued only upon OCR's approval.

**Reporting Requirement:** *By September 1, 2016*, the University will provide documentation pertaining to Terms 6 through 8.

9. Within ten days of receiving OCR's approval of the Memorandum, the University will issue the document to University staff, faculty and administrators.
10. Maintain and provide to OCR documentation that all University staff, faculty, and administrators received the training Memoranda.

**Reporting Requirement:** *By October 1, 2016*, the University will provide documentation demonstrating completion of Terms 9 and 10, to include documentation of delivery and receipt of the training Memoranda to all staff, faculty, and administrators, and a copy of the document issued.

**ADDITIONAL ACKNOWLEDGEMENTS**

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.

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 of the Rehabilitation Act and its implementing regulation at 34 C.F.R. Part 104, which were at issue in this case.

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 regulation implementing Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, which was at issue in this case.

**For the University:**

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June 1, 2016

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**Brian Roberts, General Counsel**

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**Effective Date**