

Voluntary Resolution Agreement
University of Wyoming
OCR Case Number 08-16-2249

OCR and the University of Wyoming (University) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures the U.S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 Code of Federal Regulations Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the University agrees to take the following actions.

REQUIRED ACTIONS:

1. The University will review and revise, as appropriate, its policies and procedures for responding to disability discrimination, including disability discrimination complaints, in accordance with Section 504 and Title II and their implementing regulations. In particular, the procedures will:
 - a. Provide for the prompt and equitable resolution for complaints of disability discrimination.
 - b. Provide that complaints may be verbal or in writing.
 - c. Ensure that once the University knows or reasonably should know that disability discrimination may have occurred, including discrimination by a staff or faculty member, the University must promptly investigate the possible discrimination.
 - d. Include notice to both parties of the outcome of the complaint (including notice to the complainant that appropriate sanctions have been imposed).
 - e. Ensure that all disability-related allegations made in a complaint are appropriately addressed through the investigative process.
 - f. Include an assurance that the University will take steps to address and prevent recurrence of any disability discrimination found to have occurred, and to remedy its discriminatory effects on the complainant and others if appropriate.

REPORTING REQUIREMENTS:

- By November 1, 2017, the University will submit to OCR for review and approval the University's draft policies and procedures for responding to disability discrimination, including disability discrimination complaints.

- Within 60 days of OCR's approval of the University's Section 504/Title II grievance policy and procedures, the University will adopt and publish the approved policy and procedures, and will provide OCR with documentation demonstrating the approved policy was adopted and published.
2. The University will identify and annually train all University personnel who are responsible for reporting and responding to disability discrimination complaints on the OCR approved policies and procedures. The training will include the obligation of staff to refer potential disability discrimination complaints to the University's Section 504/Title II coordinator, and the other items listed in listed in Term 1 of this Agreement.

REPORTING REQUIREMENTS:

- Within 30 days of OCR's approval of the policies and procedures, the University will provide OCR with a copy of the training agenda, training materials, and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.
 - Within 60 days of OCR's approval of the trainer and training materials, the University will provide OCR with a copy of all handouts provided for the training, a list of all staff identified to receive the training, and a sign-in sheet for those attending the training.
3. The University will review, and revise as appropriate, its response to the Student's internal complaints, both verbal and written, of disability discrimination which are the subject of the OCR complaint, to ensure the response was prompt and equitable in accordance with the OCR approved disability discrimination policies and procedures, Section 504 and Title II. The review will ensure the following:
 - a. The University's response was both prompt and equitable.
 - b. The University responded both to verbal and written complaints of the Student.
 - c. The University promptly investigated once it became aware that discrimination may have occurred or is occurring.
 - d. The University notified both parties of the outcome of the complaint (including notice to the complainant that appropriate sanctions have been imposed).
 - e. The University appropriately and fully addressed all disability-related allegations made in the complaint, including any allegations of retaliation and whether the University appropriately assisted the Student after she was removed from Economics class.
 - f. The University took steps to address and prevent recurrence of any disability discrimination found to have occurred, and to remedy its discriminatory effects on the complainant and others (including individual remedies to the Complainant and anti-discrimination training for the professor).

REPORTING REQUIREMENT:

By November 1, 2017, the University will submit to OCR for review and approval the results of the University's review of its response to the Complainant's internal verbal and written

discrimination complaints. The review will include the University's recommendations for addressing and correcting any inadequacies found.

Within 60 days of OCR's approval of the University's review and recommendations for addressing inadequacies, the University will submit to OCR for review and approval documentation demonstrating the inadequacies have been corrected.

ADDITIONAL ACKNOWLEDGEMENTS:

The University understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.33-104.36 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the University's representative below.

/s/

August 17, 2017

For the University of Wyoming

Effective Date