

**RESOLUTION AGREEMENT**  
**Virginia Polytechnic Institute and State University**  
OCR Case No. 11-17-2220

Virginia Polytechnic Institute and State University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-2220. This Agreement does not constitute an admission by the University of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

1. The University has lifted its campus ban on the Student's service dog and has permitted it to accompany the Student to all campus locations, except as provided in the above laws and this Agreement. The University has submitted to OCR, and OCR has approved, a copy of its written communication to the Student notifying her of its lifting of the ban consistent with this Agreement.
2. University will only exclude the service dog from a campus location consistent with the above laws and under the following circumstances.
  - a. The dog does not have a harness, leash or other tether and the Student, after having been asked by an authorized University official to tether the dog, fails or refuses to do so. See, in particular, 28 CFR §35.136(b) & (d).
  - b. After making an individualized assessment in which the Student participates, the University determines that the dog's presence at that location would constitute a direct threat to the health or safety of others or a fundamental alteration to the University service, program, or activity. See especially, 28 CFR § 35.139 (direct threat) & 35.164 (fundamental alteration).
3. As soon as practicable, but no later than March 3, 2018, the University will submit for OCR approval draft Section 504/Title II grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by the laws cited above. Specifically, the procedures will include:
  - a. Adequate notice of the procedures, including with whom grievances should be filed;
  - b. The adequate, reliable and impartial investigation of grievances, including the opportunity to present witness information and other information;
  - c. Designated and reasonably prompt timeframes for the major stages of the grievance process;
  - d. Written notice to the parties of the outcome of each stage of the grievance process;
  - e. An opportunity to appeal the findings and remedy; and
  - f. A prohibition of retaliation against any individual who files a grievance or participates in a grievance process.
4. Within two months of the University's receipt of the OCR approval referenced in Provision 3, it will adopt the grievance procedures approved by OCR.

5. Within three months of the University's receipt of the OCR approval referenced in Provision 3, it will provide written notice of the approved grievance procedures in all appropriate publications, including University handbooks and catalogs, and on its website.

Reporting Requirements:

Within three months and two weeks of the University's receipt of the OCR approval referenced in Provision 3, it will provide OCR with copies of or web addresses for all publications in which its revised grievance procedures appear.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that during the monitoring of this Agreement, 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, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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 a minimum of sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_ Date: \_\_\_\_\_12/08/2017\_\_\_\_\_

Timothy D. Sands, President  
Virginia Polytechnic Institute and State University