

**Resolution Agreement
Wake Forest University
OCR Complaint No. 11-14-2337**

Wake Forest University (the University) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-2337. Before the conclusion of OCR's investigation, without any admission of noncompliance in the allegations of the aforementioned complaint, and without any admission of noncompliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) or its implementing regulations or any other law enforced by OCR, the University expressed an interest in resolving this complaint. Accordingly, the University voluntarily agrees to the following actions:

I. Revisions to the Student Section 504 Grievance Procedure

- A) The University will submit for OCR's review and approval a copy of the University's notice of nondiscrimination and a revised Section 504 grievance procedure. The University will review its notice of nondiscrimination to ensure that it identifies the responsible employee designated to coordinate the University's responsibilities under Section 504 and that it is consistent among University publications. The revised grievance procedure shall provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504, including harassment, and will include, at a minimum:
- a. application of the procedure to complaints alleging disability discrimination, including disability harassment, carried out by employees, other students, and in certain circumstances, third parties; if multiple procedures are applicable, provide a clear description of which procedures are applicable in which circumstances;
 - b. an explanation of how to file a complaint under the procedure;
 - c. the name or title and contact information of the individual with whom to file a complaint. If more than one procedure applies, provide a clear written description of each procedure along with the name or title and contact information of the individual with whom to file a complaint;
 - d. an assurance that each complaint will receive an adequate, reliable, and impartial investigation, including a similar and timely opportunity for both the complainant and respondent to identify witnesses and provide evidence relevant to the complaint;
 - e. reasonably prompt time frames for major stages of the complaint process;
 - f. an assurance that the University will take steps to prevent recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate;
 - g. written notice to the parties of the outcome of the complaint; and
 - h. a statement that prohibits retaliation.

REPORTING REQUIREMENT: By March 15, 2016, the University will submit for OCR's review and approval a revised Section 504 grievance procedure and a copy of the University's notice of nondiscrimination. If OCR does not approve the procedures as submitted, OCR will recommend specific revisions.

- B) Within 30 days of the University's receipt of OCR's approval of the notice of nondiscrimination and Section 504 grievance procedure, the University will adopt the procedure and any changes to the notice as approved by OCR and widely publicize them to students, staff, faculty, and visitors by providing written notification to the University community; posting the notice and a link to the procedure in easily accessible locations on the University's website; and publishing the notice and procedure at the next regular printing of publications.

REPORTING REQUIREMENT: Within five (5) days of adopting and publicizing the notice and procedure, the University will submit to OCR documentation that it has publicized the notice and procedure, including providing a link to its website and a copy of the written notification to students, staff, and faculty.

II. Training on the University's Section 504 Responsibilities

Within thirty (30) days of the University's receipt of OCR's approval of the training program, as set forth below, the University will provide training to all individuals who are designated by the notice and procedure to receive reports of disability discrimination and appropriate support staff. The training will emphasize the University's obligations under Section 504 to provide a prompt and equitable resolution of disability-related grievances under Section 504, explain the provisions of the grievance procedure, and educate those in attendance about their responsibilities during the investigative process for conducting an impartial and adequate investigation that meets the legal standards under Section 504.

REPORTING REQUIREMENTS:

- a. Within 45 days of OCR's approval of the procedure, the University will submit to OCR for review and approval the proposed training program, including the name and qualifications of the trainer, a copy of the proposed training materials, and a list of individuals who will be trained (by name and title), prior to conducting the training.
- b. Within 10 days of completion of the training required under this Agreement, the University will provide OCR with a report confirming completion of the required training, including: (a) the date of the training session(s); (b) copies of the sign-in sheet(s) with the names and titles of the University personnel who participated in the training session(s); and (c) copies of the agenda and a description of the content of the training, including any training materials disseminated at the training session(s).

III. Response to the Complainant's Grievance

Within fifteen (15) days of the University's completion of the training requirements set forth in Section II of this Agreement, the University will begin to conduct a prompt and equitable investigation of the Complainant's July 31, 2014 disability

discrimination grievance. This investigation will include, but is not limited to, the Complainant's allegation of discrimination based on disability, specifically, as it relates to the action of the Complainant's Ph.D. advisor withdrawing as his advisor. In accordance with this requirement, the University agrees to do the following:

- a. The University will promptly notify the Complainant in writing that the University is investigating the Complainant's disability grievance and will provide him an opportunity to present supporting evidence and/or witnesses.
- b. The University will ensure its investigation is in compliance with its revised Section 504 procedures as described above in Section I for investigating allegations of discrimination.
- c. The University will document its investigation and issue a written outcome letter to the Complainant explaining its finding and the rationale for its decision.
- d. If the University finds a violation of the University's disability discrimination policy based on the investigative determination, the University will remedy any discriminatory effects on the Student (e.g., by amending the Complainant's transcript).

REPORTING REQUIREMENT: Within ten (10) days of notifying the Complainant, the University will submit to OCR written verification that it provided the Complainant with notice of his opportunity to submit evidence to support his grievance, as described in Section III (a), and will submit to OCR a copy of the notice sent to the Complainant.

REPORTING REQUIREMENT: Within thirty (30) days of completing the requirements set forth above, the University will provide for OCR's review and approval documentation of its investigation, findings, and rationale, and, if it determines that disability discrimination occurred, documentation of any actions taken to address the discriminatory effects. The University will provide a copy of the written notice of the outcome that was provided to the Complainant and supporting documentation such as witness interviews, investigator notes, evidence reviewed, and investigative reports or summaries.

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 regulation implementing the provisions of Section 504 that were at issue in this case.

The University also 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 the provisions of Section 504 which was at issue in this case.

