

RESOLUTION AGREEMENT
James Madison University
OCR Case No. 11-16-2148

James Madison University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-2148. This Agreement does not constitute an admission by the University of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Written Policies and Procedures

1. The University will revise its Section 504 grievance policies and procedures to ensure that they provide for the prompt and equitable resolution of allegations of disability discrimination and harassment, as required by Section 504. At a minimum, the revised policy and its procedures will include:
 - a. Notice of the procedures to students and employees, including where to file complaints;
 - b. Designated and reasonably prompt timeframes for major stages of the complaint process, including but not limited to a timeframe by which the appropriate office issues his/her letter informing both parties of the outcome of the investigation;
 - c. An adequate, reliable, and impartial investigation, including the opportunity for both the complainant and respondent to identify witnesses and provide evidence relevant to the complaint;
 - d. Written notice to both parties of the outcome of the complaint; and
 - e. An assurance that steps will be taken to prevent recurrence of any discrimination and to correct its effects.

REPORTING REQUIREMENT: On November 1, 2016, the University will provide drafts to OCR of its revised Section 504 policies and procedures for OCR's review and approval.

2. The University will adopt the revised policies and procedures in Provision 1 within 30 calendar days of approval from OCR.
3. Within 30 calendar days of approval from OCR, the University will provide all students and employees with written notice regarding the revised policies and procedures required by Provision 1, as well as information about how to obtain a copy of the policies and procedures. The University, at a minimum, will make this notification available through the University's website, electronic mail messages to employees and students, any regularly issued Human Resources newsletters (in print or online), and other appropriate means of notification the University can use to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 calendar days after notice is provided to students and employees of the revised grievance procedures, the University will provide OCR with documentation that it implemented Provisions 2 and 3 of this Agreement, including copies of the written notices issued to students and employees regarding the revised procedures; a description of how the notices were distributed; and a link to the website where the revised procedures are located.

Training

4. The University will provide training to all individuals involved in the implementation of the Section 504 grievance procedures and/or the investigation of complaints under Section 504, including but not limited to the Director of the Office of Equal Opportunity. The training will emphasize the University's obligations under Section 504 to provide a prompt and equitable resolution to disability-related grievances under Section 504, explain the provisions of the Section 504 grievance procedures described in Provision 1 above, and educate those in attendance about how to best conduct a prompt and equitable investigation that meets the legal standards under Section 504.

REPORTING REQUIREMENT: By November 15, 2016, the University will provide for OCR's review and approval a copy of an agenda and any supporting materials used in the training, and the name(s) and qualification(s) of the individual(s) who is performing the training.

REPORTING REQUIREMENT: By January 1, 2017, the University will provide documentation to OCR demonstrating that the training was completed and will include, at a minimum, the date(s) of the training(s); and a sign in sheet including the names and titles of each individual attending the training(s).

Individual Student Remedy

5. The University will conduct prompt and equitable investigations of the Complainant's April 6, 2015 and October 23, 2016 disability discrimination complaints if it has not already done so. These investigations will include, but not be limited to, the Complainant's following allegations of discrimination based on disability:
 - a. The Complainant's professors of her ~~Geography 215 and Biogeography/Human Environment Interactions~~XXXX classes did not respond when students harassed the Complainant because of her disability from January 2015 to May 2015;
 - b. The Complainant's professor of ~~Biogeography and Human Environment~~XXXX class harassed her on the basis of disability, as evidenced by the fact that this individual talked about the Complainant's disability and accommodations to other students beginning in the fall of ~~2014~~XXXX, made disability related comments beginning in ~~January 2015~~XXXX, and called her a "loose cannon," "dangerous," and called the police when she refused to leave the classroom on XXXX;

- c. The Complainant’s professor of her XXXX class harassed her on the basis of disability, as evidenced by comments made between XXXX such as, “isn’t it obvious; you should know that” and “you can’t fix stupid;” and
- d. Between XXXX, the professor of the XXXX class discriminated against her based on disability when he refused to implement her accommodations that had been approved by the University.

In accordance with this requirement and to the extent not already completed, the University agrees to do the following:

- i. The University will promptly notify the Complainant in writing that the University is investigating the Complainant’s disability grievances and will provide her and any respondents (if applicable) with an opportunity to present supporting evidence and/or witnesses.
- ii. The University will document its investigation and issue a written outcome letter to the Complainant and any respondent (if applicable) explaining its finding and the rationale for its decision.
- iii. If the University finds a violation of the University’s disability discrimination policy based on the investigative determination, the University will stop the discrimination/harassment, prevent its recurrence, and remedy any discriminatory effects on the Complainant.

REPORTING REQUIREMENT: By October 15, 2016, the University will submit to OCR written verification that it has provided the Complainant and (if applicable) any respondent with notice of her opportunity to submit evidence to support the grievance or defend against the grievance, and will submit to OCR a copy of the notice sent to the Complainant indicating that the University is investigating the Complainant’s disability grievances, as described in Provision 5(i) above.

REPORTING REQUIREMENT: By December 1, 2016, 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 (if applicable) any respondent, and all supporting documentation, including 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 Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

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 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in 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.

| _____
 /S/
President/Designee
James Madison University

_____ 9/17/16
Date