RESOLUTION AGREEMENT

University of Connecticut
OCR No. 01-16-2103

The University of Connecticut (University) agrees to implement this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35 (Title II), and for the purpose of resolving the above-referenced complaint alleging discrimination on the basis of disability filed with the U.S. Department of Education, Office for Civil Rights (OCR). This Agreement is made pursuant to Section 302 of OCR’s Case Processing Manual.

**Action Item 1**

The University will ensure its procedures (Procedures) address the following, and that the Procedures are made available to University students and all University instructors, lecturers, and professors, including adjunct teaching staff members (Teaching Professionals). The Procedures shall include:

a. A statement that the decision of whether or not to provide approved accommodations is made by the Center for Students with Disabilities (CSD). The CSD collaborates with students and their faculty to coordinate approved accommodations and services. While Teaching Professionals may have input into the means of providing approved accommodations, they may not refuse to provide accommodations approved through CSD.

b. An explanation of the procedure to be followed if a Teaching Professional objects to an approved accommodation on the basis that it would constitute a fundamental alteration of the class objectives, including who to contact.

c. A statement that resolution of an objection to an approved accommodation must be reached as soon as possible to meet both the student and faculty member’s interests. While working toward such resolution, Teaching Professionals should provide the approved accommodation until CSD agrees that the accommodation is a fundamental alteration of the class objectives.

**Reporting Requirements**

a. By August 1, 2017, the University will submit the Procedures to OCR for OCR’s review and approval.

b. Within 30 days of OCR’s approval of the Procedures, the University shall provide evidence to OCR that the Procedures are available to all University students and Teaching Professionals (e.g., a URL for a webpage).
**Action Item 2**

The University shall provide all Teaching Professionals with an announcement (Announcement) that encloses the Procedures and also addresses the following topics:

- a. A summary of the purpose of Section 504 and Title II and how the statutes and implementing regulations apply to students at the University; and

- b. A clear and concise description of how a student may request accommodations for a disability through the Center for Students with Disabilities, the process the University uses to determine whether accommodations are appropriate, and how the University’s Teaching Professionals will be informed of approved accommodations.

**Reporting Requirements**

- a. Within 30 days of OCR’s approval of the Procedures, the University will provide proof to OCR of the University’s distribution of the Announcement to all Teaching Professionals through email, campus mail, or other effective distribution method (e.g. its Daily Digest), and will notify OCR in writing that this distribution has been completed.

- b. Within 30 days of OCR’s approval of the Procedures, the University will provide proof to OCR of the University’s distribution of the Announcement to all students currently registered with the Center for Students with Disabilities, through email, campus mail, or other effective distribution method, and will notify OCR in writing that this task has been completed. The University will specify the number of students to which the Announcement was distributed in its notification to OCR.

**Action Item 3**

- a. The University will include the information in the Procedures in its existing training program for faculty members. If other Teaching Professionals currently receive, or will receive in the future, any regular training on Section 504, said training will include the information in the Procedures.

- b. Prior to the beginning of each semester (including summer sessions), Teaching Professionals who do not receive regular training will be sent the Announcement and training materials via the University’s Daily Digest e-mail. The Announcement and training materials will be prominently featured in the first section of the e-mail reserved for “Important University-Wide Announcements.” At the beginning of the fall semester, this information will be circulated in five consecutive Daily Digests.

**Reporting Requirements**

- a. Within 45 days of OCR’s approval of the Procedures, the University will submit to OCR for its review and approval its program for training new faculty members on the topics addressed in the Procedure.
b. Within 45 days of OCR’s approval of the Procedures, the University will submit to OCR for its review and approval a plan for:
   
   i. Ensuring that all Teaching Professionals receive the information set forth in the Announcement each semester; and

   ii. Ensuring all existing faculty members are trained on the Procedures by the end of the 2017-18 school year.

c. Within 15 days of OCR’s approval of the Procedures, the University will submit its proposed text and formatting for inclusion in the Daily Digest in satisfaction of Action Item 3.b.

d. By July 1, 2018, the University will submit evidence of the trainings conducted in accordance with Action Item 3.a. during the 2017-18 school year, including lists of attendees, the name(s) and credentials of any trainer(s), and any presentation materials.

e. By July 1, 2018, the University will submit a verification that the emails referenced in Action Item 3.b. were sent, including copies of said emails.

**Action Item 4**

The University will ensure that all accommodations letters (i.e., the letters or emails sent to Teaching Professionals specifying approved accommodations for an individual student) shall include:

a. A statement that the decision of whether or not to provide approved accommodations is made by the Center for Students with Disabilities (CSD). The CSD collaborates with students and their faculty to coordinate approved accommodations and services. While Teaching Professionals may have input into the means of providing approved accommodations, they may not refuse to provide accommodations approved through CSD.

b. A statement regarding what Teaching Professionals should do if they believe an approved accommodation is problematic for any reason; and

c. A link to the Procedures.
**Reporting Requirement**

a. By July 15, 2017, the University will submit to OCR for its review and approval a copy of the language to be included in accommodations letters in order to comply with Action Item 4.

**Action Item 5**

By August 1, 2017, the University will reimburse the Student the costs she incurred in connection with the XXXXXXXX course.

**Reporting Requirement**

a. By August 1, 2017, the University will provide documentation to OCR confirming that it has refunded the Student XXXXXXX, representing the cost of the XXXXXXX course.

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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. §§104.43 and 104.44, and with Title II and its implementing regulations at 28 C.F.R. §35.130(a) and (b)(1)(iii), which 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 regulations implementing Section 504, at 34 C.F.R. §§104.43 and 104.44, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were 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 (see 34 C.F.R. §§ 100.9, 100.10, which are incorporated into the Section 504 regulation at 34 C.F.R. §104.61), 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.

6/20/17 __________________________  __/s/___________________________
Date       Richard F. Orr
Vice President and General Counsel
University of Connecticut