

## **VOLUNTARY RESOLUTION AGREEMENT**

### **Hofstra University Case No. 02-17-2103**

Prior to the completion of an investigation and determination regarding compliance, the U.S. Department of Education, Office for Civil Rights (OCR) and Hofstra University (the University) entered into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104.

#### **Action Item 1: Policies and Procedures**

By August 18, 2017, the University will review and revise as necessary its policies and procedures related to the provision of housing accommodations to students with disabilities to ensure that students with disabilities who require single rooms as a means of accommodating their disability are appropriately accommodated in compliance with Section 504 and not charged a higher residence hall room rate solely because of the need for an accommodation.

#### **Reporting Requirements:**

- (a) By August 18, 2017, the University will provide to OCR, for OCR's review and approval, drafts of policies and procedures consistent with Action Item 1 above.
- (b) Within 30 days after the University's receipt of written approval from OCR of the policies and procedures, the University will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved policies and procedures; updated any printed publications (inserts may be used pending reprinting of publications) and on-line publications with the newly adopted policies and procedures; and, electronically disseminated the newly adopted policies and procedures to students and relevant employees. This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the newly adopted policies and procedures; (ii) evidence of the electronic dissemination of the policies and procedures to students and relevant employees such as evidence of website posting; and, (iii) copies of relevant pages, or if not yet finalized copies of inserts, for any printed publications. If inserts were used for any publications, then by December 31, 2017, the University will provide to OCR copies of the relevant pages of printed versions of all publications disseminated to students and employees containing the newly adopted policies and procedures. Dissemination may occur by the methods usually employed by the University for distributing University policies and procedures, including posting on the University's website.

### **Action Item 2: Training for Staff**

By September 30, 2017, the University will provide training to any University administrators who are involved in the process of evaluating requests for, making decisions about, and billing for, approved housing accommodations. The University's training will cover the University's newly adopted policies and procedures developed pursuant to Action Item 1, and the University's obligations to provide housing accommodations in accordance with the requirements of the regulation implementing Section 504.

**Reporting Requirement:** By October 15, 2017, the University will submit to OCR documentation demonstrating that the training described in Action Item 2 was provided. The report will, at a minimum, identify the person(s) who provided the training and include a description of the person's qualifications; indicate the date(s) of the training(s); include a copy of any materials used or disseminated during the training; and, include the names and titles of the administrators who participated.

### **Action Item 3: Individual Remedies**

By October 15, 2017, the University will determine whether any new and continuing students have been over-charged for requesting a single room solely as a necessary accommodation. To that end, the University will ensure that its revised policies and procedures related to the provision of housing accommodations to students with disabilities have been applied appropriately to students who are new to the University or continuing students for academic year ("AY") 2017-18. Additionally, the University will provide continuing students who have requested campus housing for AY 2017-18, and who, during their enrollment at the University, have disclosed disabilities and requested a single room from the University's Student Access Services (excluding those students charged a double rate for a single) ("Continuing Students"), with an approved medical documentation form to demonstrate their need for a single room solely as a necessary accommodation for a disability. For Continuing Students who provide the requested medical documentation, the University will review the room charges from AY 2015-16 and AY 2016-17; and, where appropriate, will adjust housing charges and/or issue a credit to the student's account.

#### **Reporting Requirements:**

- (a) By October 15, 2017, the University will provide to OCR a list of all Continuing Students who provide the requested medical documentation demonstrating the need for a single room solely as a necessary accommodation for their disability. For each such student, the University will provide to OCR: (i) the housing cost incurred by the student; (ii) the University's recommendation for credit to the student's account, if any; and, (iii) an explanation for the amount of the proposed credit, if any, or decision not to provide a credit. Upon review, OCR may request additional documentation regarding situations where it believes that a student may be entitled to a credit. In such situations, OCR will so notify the University, and within thirty (30) days of the University's receipt of OCR's notification, the University will submit to OCR

documentation demonstrating a credit of the proper amount to all such students; or, provide documentation, for OCR's review and approval, supporting that a credit was not appropriate

- (b) By October 15, 2017, the University will provide to OCR a list of all students who were new to the University for AY 2017-18 and approved to receive a single room solely as a necessary accommodation for a disability during AY 2017-18. For each such student, the University will provide to OCR: (i) the housing accommodation(s) the student requested; (ii) the housing accommodation(s) for which the student was approved; (iii) the housing cost incurred by the student; and, (iv) an explanation for the housing cost incurred by the student. Upon review, OCR may request additional documentation regarding situations where it believes that a student may have been overcharged. In such situations, OCR will so notify the University, and within thirty (30) days of the University's receipt of OCR's notification, the University will submit to OCR documentation demonstrating a credit of the proper amount to all such students; or provide documentation for OCR's review and approval, supporting that a credit was not appropriate.

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. §§ 104.4(a), (b)(4)(i) and 104.43(a), 104.45. 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 sixty (60) calendar days to cure the alleged breach.

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

Date: 8/4/17

Signed: /s/

Jennifer Mone  
[Authorized Representative]  
Hofstra University