

Resolution Agreement
Western Kentucky University
OCR # 03-16-2226

Western Kentucky University (the University) enters into this Resolution Agreement (the Agreement) and makes the following commitments to OCR. The University submits this Agreement to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), and its implementing regulation at 28 C.F.R. Part 35.

Review of Service Animal Procedures

1. Within 30 calendar days of the signing of this Agreement, the University will revise its policy to implement the requirements of 28 C.F.R. § 35.136 and 34 C.F.R. § 104.4 regarding the rights of individuals with disabilities to be accompanied by service animals in all areas of the University's campus where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. Such policies and procedures will include:
 - The definition of a service animal consistent with the definition set forth in the Title II regulation at 28 C.F.R. § 35.104;
 - The permissible inquiries that may be made of a person with a service animal, in accordance with the Title II regulation at 28 CFR §35.136 (f);
 - The process by which faculty/staff may raise any questions or concerns about service animals, including to whom such concerns should be raised at the University (such as if a particular animal appears uncontrolled or not housebroken, as noted at 28 C.F.R. § 35.136(b)); and
 - The procedure the University will use if it wishes to exclude a service animal for health or safety concerns, ensuring that the University will provide the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Reporting Requirement: Within 45 calendar days of signing this Agreement, the University will submit for OCR's review and approval a copy of the University's revised Service Animal Procedures.

2. Within 30 calendar days of written notification from OCR that the Service Animal Procedures developed in accordance with Action Step #1 is consistent with the requirements of Title II, the University will adopt and implement the Procedures and will provide all students, faculty, staff, and employees with written notice regarding the new policy. The University, at a minimum, will make this notification through the University's website, electronic mail messages to employees and students, and any regularly issued newsletters (in print or online),

as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated.

Reporting Requirement: Within 45 days of OCR's approval of the University's Service Animal Procedures, the University will provide OCR with documentation demonstrating that the requirements of Action Step #2 have been fulfilled, including copies of email messages sent to University staff and students, a link to where the Procedures may be found online and any printed copies of the Procedures.

Review of Section 504>Title II Grievance Procedures

3. Within 30 days of signing this Agreement, the University will revise its grievance procedures, or develop new grievance procedures, to address applicable student complaints brought under Section 504 and Title II, in accordance with their implementing regulations at 34 C.F.R. §104.7(b) and 28 C.F.R. §35.107(b). The University will ensure that these procedures provide for the prompt and equitable resolution of such complaints. The University's revised grievance procedures will, at a minimum, include:
 - a. notice to students of the procedure, including how and where to file a complaint;
 - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
 - c. adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
 - d. designated and prompt timeframes governing the major stages of the grievance process;
 - e. notice to the parties of the outcome of the complaint, and the basis for the decision;
 - f. the right of parties to appeal the findings, remedy or both; and
 - g. an assurance that the University will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on individuals who file complaints under this procedure and other individuals, if appropriate.

Reporting Requirement: Within 45 days of the signing of this Agreement, the University will submit for OCR's review and approval the revised grievance procedures pursuant to Section 504 and Title II.

4. Within 30 days following notification from OCR that the University's grievance procedures referenced in Action Step #3 meet the requirements of Section 504 and Title II, the University will adopt the revised grievance procedures and provide written notice to students of the grievance procedures and will amend the Student Handbook and website to include these procedures. The University will provide OCR with documentation reflecting that the revised grievance procedures have been published and widely disseminated.

Reporting Requirement: Within 45 days of OCR's approval of the University's revised Section 504>Title II grievance procedures, the University will submit to OCR documentation

demonstrating that it has adopted and published the procedures, including links to where the procedures may be found on the University's website and all other methods of dissemination.

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 regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.7(b) and Title II at 28 C.F.R. §§ 35.136 and 35.107(b) which were at issue in this complaint.

The University understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.7(b) and Title II at 28 C.F.R. §§ 35.136 and 35.107(b) which were at issue in this complaint.

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.

/s/

Feb 22, 2012

President or designee
Western Kentucky University

Date