

RESOLUTION AGREEMENT
Clarion University
Complaint Number 03-17-2021/03-17-2071

The U.S. Department of Education, Office for Civil Rights (OCR) and Clarion University (University) enter into this Agreement to resolve the allegations in the above-referenced complaints. 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 following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the University agrees to take the following actions.

1. The University recognizes its obligations under the regulation implementing Section 504 at 34 C.F.R. §§ 104.4(b), 104.43(a), 104.43(c), and 104.45, respectively, to provide housing to qualified students with disabilities in a nondiscriminatory manner and to provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to others. The University also recognizes its obligations under the regulation implementing Title II at 28 C.F.R. §35.130(b)(7)(i) to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. The University will disseminate a memorandum (this memorandum can be sent electronically) to relevant staff in the University's Offices of Disability Support Services, Residence Life Services, and Social Equity reminding them of these obligations under Section 504 and Title II.

Reporting Requirement: By September 15, 2017, the University will submit to OCR documentation demonstrating that it distributed the memorandum referenced in Action Step #1 above, including the list of personnel, with name and title, who received the memorandum and the University's method of distribution.

2. The University has or will review and revise as necessary all relevant policies, procedures, and practices pertaining to the provision of housing to students with disabilities to reflect that the University does not discriminate in the provision of housing to students with disabilities, that the University will provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to others, and that the University will make reasonable modifications to its housing policies, procedures, and practices when the modifications are necessary to avoid discrimination, unless the University can demonstrate that making the modifications would fundamentally alter the nature of the housing services provided by the University.

Reporting Requirement: By September 15, 2017, the University will provide OCR with its revised policies, procedures, and practices referenced in Action Step #2 above for OCR’s review and approval.

3. Within 30 days of receiving notice of OCR’s approval of the revised policies, procedures, and practices referenced in Action Step #2, the University will publish the revised policies and procedures on its website and in any other University publications that contain information about on-campus housing for students with disabilities. Inserts may be used pending the re-printing of those publications.

Reporting Requirement: Within 60 days of receiving notice of OCR’s approval of the revised policies, procedures, and practices, the University will provide OCR with documentation demonstrating that they have been published in accordance with Action Step #3.

4. Within 60 days of receiving notice of OCR’s approval of the revised policies, procedures, and practices referenced in Action Step #2, the University will provide in-person or online training to University administrators and staff 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 Step 2, and the University’s obligations to provide housing accommodations in accordance with the requirements of the regulation implementing Section 504 and Title II.

Reporting Requirement: Within 75 days of receiving notice of OCR’s approval of the revised policies, procedures, and practices, the University will submit to OCR documentation demonstrating that the training described in Action Step #4 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 staff in attendance.

5. The University has or will assess the rates charged to students with disabilities who received single room or kitchen housing accommodations during academic years 2015-2016 and 2016-2017, and will submit to OCR proposed recommendations for reimbursements, if any, to students who were charged a rate for the room in which they were placed as an accommodation for their disability which is greater than the rate for the room in which they would have lived but for the accommodation of their disability. The University will provide OCR with the following information for its review and approval: (i) the room/building to which each student was assigned, (ii) the rate charged to each student, by semester, for the housing assigned; (iii) the alternative room(s)/building(s) to which each student could have been assigned, (iii) the rate for each alternative room/building to which the student could have been assigned; (iv) the University’s recommendation for reimbursement to the student, if any; and, (v.) an explanation for the amount of the proposed reimbursement, if any, or decision not to provide a reimbursement.

Reporting Requirement: Within thirty days of OCR’s approval of the decisions made consistent with Action Step #5 above, the University will submit to OCR documentation demonstrating that

it provided reimbursement to all students approved for reimbursement, with the amount of the reimbursement indicated.

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(b), 104.43(a), 104.43(c), and 104.45 and Title II implementing regulation at 28 C.F.R. §35.130(b)(7)(i). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

/s/

President or Designee

8/21/2017

Date

/s/

OCR Director or Designee

8/23/2017

Date