

Resolution Agreement
University of Alabama at Huntsville
OCR Docket Number 04-13-2461

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the University of Alabama at Huntsville (University), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in all programs and activities that receive Federal financial assistance from the Department; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability in public postsecondary education systems; and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin.

The University voluntarily agrees to take the following actions:

Procedural Remedies

1. **By March 15, 2015**, the University will revise, and submit to OCR for review and approval, the University Service Animal Policy (Policy) consistent with the requirements of Section 504 and Title II and consistent with the Department of Justice's 2011 ADA service animal guidance.¹

Reporting Requirement: By March 30, 2015, the University shall submit electronic (word) versions of the revised Policy to OCR for review and approval.

2. **Within 30 days of notice of OCR's approval** of the revised Policy, the University will adopt and publish the revised Policy in the University's website, student handbook, and in any other appropriate locations.

Reporting Requirement: Within 30 days of the University's publication of the revised Policy the University will submit documentation to OCR of the Policy publication on the University's website, student handbook, and in any other appropriate locations.

3. **By March 15, 2015**, the University will revise its grievance procedures (Procedures) to ensure it has the required elements to meet appropriate due process standards and to be prompt and effective, as required by the regulations, including:
 - a. notice to students and employees of the grievance procedures, including where complaints may be filed;

¹ For assistance with crafting these policies, please see the U.S. Department of Justice's July 12, 2011, Revised Service Animal Guidance at: http://www.ada.gov/service_animals_2010.htm

- b. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or harassment carried out by employees, other students, or third parties;
- c. provision for adequate, reliable and impartial investigation of complaints, including the opportunity for both the complainant and the alleged perpetrator (if applicable) to present witnesses and evidence;
- d. designated and reasonably prompt time frames for the major stages of the complaint process;
- e. written notice to the complainant and the alleged perpetrator (if applicable) of the outcome of the complaint;
- f. assurance that the school will take steps to prevent recurrence of any discrimination or harassment and remedy discriminatory effects on the complainant and others, if appropriate;
- g. omitting the requirement that complaints must be in writing and noting that verbal complaints can be committed to writing by the University;
- h. a statement that harassment and discrimination on the basis of the enumerated protected categories is a violation of Federal law and where a violation is determined to have occurred, disciplinary sanctions for employees and students will be applied as appropriate; and,
- i. designate an alternative person to whom complaints may be made in the event that the discrimination is occurring by the designated "receiving official" or the complainant is not comfortable complaining to him or her.

Reporting Requirement: By **March 30, 2015**, the University will submit a copy of the revised Procedures to OCR for its review and approval.

4. **Within 60 days after receiving OCR's approval** of the Procedures, the University will publish the OCR approved procedures in all written and online student handbooks or other relevant publications.

Reporting Requirement: **Within 30 days of the University's publication of the revised Procedures** the University will submit documentation to OCR of the publication on the University's website, student handbook, and in any other appropriate locations.

Training Remedies

5. **Within 60 days** of receiving notice of OCR's approval of the Policy and the Grievance Procedures the University will submit training materials, which will be used to train University staff, to OCR for review and approval. The training content will include the requirements of Title VI including the prohibitions of different treatment on protected

bases; the requirement that University staff implement the Service Animal Policy in a nondiscriminatory manner to all students without regard to race, national origin or color, pursuant to the requirements of Title VI; the revised Service Animal Policy; and, the revised grievance procedures.

Reporting Requirement: Within 90 days of receipt of notice of OCR's approval of the training materials the University will provide documentation to OCR demonstrating that the University has initiated annual training pursuant to this provision of the Agreement. The documentation shall include: (1) the date(s) of the training session; (2) a list of names and titles of employees who participated in the training session; (3) a list of any staff members who were not present at training sessions and the University's plan for conducting training of the same; (4) a description of the presenter's background and qualifications with respect to knowledge of Section 504, Title II and Title VI; and (5) a copy of the agenda and the training materials disseminated.

Individual Remedies

6. By **March 15, 2015**, the University will reimburse the Complainant for cost to retain the Student's dormitory room from the start of the 2012-2013 year through the date on which the University provided the Student with notice that she was approved to have the service animal on campus and in housing.

Reporting Requirement: By **March 30, 2015**, the University will produce written documentation to OCR showing how the University calculated the total amount of reimbursement required (e.g. produce documentation showing the date by which the University notified the Student that her service animal was permitted on campus, and the prorated cost of dormitory housing); and evidence that the reimbursement was provided to the Complainant.

7. By **March 15, 2015**, the University will mail a certified letter to the Complainant notifying her that it will reimburse the cost of service animal training undertaken by the Complainant in response to requests and requirements from the University. The letter shall request: a) contact information for all trainer(s) retained to provide training for the Student's service animal; b) a statement of monies paid to each trainer by the Complainant; and c) a statement of all monies owed to each as of the date of this Agreement. The letter will allow the Complainant 30 days to respond to the request.

Reporting Requirement: By **March 30, 2015**, the University will produce written documentation to OCR showing that it provided the Complainant with the letter identified above.

8. **Within 30 days** of the Complainant's response to the University's request the University shall pay any outstanding balance (including taxes and/or late fees) to the trainer(s) referenced in the corrective action above and separately reimburse the Complainant for any monies already paid to the trainers.

Reporting Requirement: Within 30 days of the Complainant's response to the University's request the University will submit documentation to OCR showing its payment of any outstanding debt to the Complainant's trainers as well as to the Complainant for any monies spent on training.

The University 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. 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 Section 504, Title II, and Title VI implementing regulations set forth below which were at issue in this case.

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 Section 504 implementing regulation at 34 C.F.R. § 104.4(b)(1)(iii) and (b)(2) and 34 C.F.R. § 104.43(a), Title II implementing regulation at 28 C.F.R. § 35.136 (a), (f), and (g), and the Title VI implementing regulation, 34 C.F.R. Part 100, 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 (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.

This Resolution Agreement will become effective immediately upon the signature of the University President or his/her designee below.

University President or designee

Date