

**Resolution Agreement
University of South Alabama
OCR Complaint # 04-18-2156**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the University of South Alabama (University), enter into this Resolution Agreement (Agreement) to resolve the allegation 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 following actions to comply with 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; and 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.

Prior to the completion of OCR's investigation, the University agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of OCR Complaint #04-18-2156, the University agrees to take the following actions:

Action Item 1 - Service Animal Procedures

1. The University shall modify its procedures and practices, to permit the use of a service animal by an individual with a disability in order to conform to the requirements of Section 504 and Title II. 34 C.F.R. §§ 104.43 and 104.44 and 28 C.F.R. § 35.136.
2. The University shall adopt and implement the Service Animal Procedures within thirty (30) days of OCR's approval. The University's Service Animal Procedures shall incorporate the following provisions:
 - (a) *Inquiries.* The University shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The University may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The University shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the University may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (*e.g.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). 28 C.F.R. § 35.136(f)
 - (b) The University may ask the individual with a disability to remove a service animal from the premises if:
 - (1) The animal is out of control and the animal's handler does not take effective action to control it; or

(2) The animal is not housebroken. 28 C.F.R. § 35.136(b)

REPORTING REQUIREMENT: Within thirty (30) days of the execution of this Agreement, the University shall submit the draft Service Animal Procedures to OCR for review and approval. Within thirty (30) days of OCR's approval, the University will provide OCR with documentation that demonstrates that it has adopted, implemented and disseminated the Service Animal Procedures to all faculty, that are responsible for Within sixty (60) days of OCR's approval of the Service Animal Procedures, the University will provide OCR with documentation that it published the Service Animal Procedures in the University's Student, Parent, and Employee handbooks; in prominent locations on the University's website; and in print and electronic versions (if applicable) of the University's newsletters.

Action Item 2 -Training for University Staff

1. Within thirty (30) days of the implementation of the OCR-approved Service Procedures, the University will provide training on the Section 504 and Title II non-discrimination obligation to individuals with disabilities who use service animals and on the terms and conditions of the Service Animal Procedures adopted pursuant to Action Item 1. The training will address, at minimum, general obligations under Section 504 and Title II to grant access to individuals who use service animals; guidelines and examples explaining the bases for excluding a service animal; and clarification that there is no requirement that the students provide evidence of his or her disability or evidence of the animal's certification.
2. The University will provide the training to all staff responsible for the implementation of the University's Service Animal Policy.

REPORTING REQUIREMENT: Within thirty (30) days of completion of the training, the University will provide documentation demonstrating the following: a) the date, time and location of the training(s); b) an outline of the training and/or copy of the materials disseminated at the training; c) the name(s), title(s), and credentials of the individual(s) who conducted the training; d) the name and title of each individual who attended the training (including dated sign-in sheets with the attendees' names, titles, and work locations); and, e) the total number of required staff members not in attendance and the measures taken by the University to ensure that each is provided the training materials and an opportunity to ask questions to clarify the materials

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. 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 Section 504 implementing regulation at 34 C.F.R. §§ 104.35 and the Title II implementing regulation at 28 C.F.R. §§

35.130. 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 Resolution Agreement. Before initiating administrative enforcement (34C.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 Resolution Agreement will become effective immediately upon signature of the Superintendent or designee, below.

Signature of Superintendent (or Designee)

(Date)