

Resolution Agreement

Millikin University

05-17-2087

In order to resolve Case No. 05-17-2087, Millikin University (the University) assures the U.S. Department of Education, Office for Civil Rights (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:

I. Housing Policies and Procedures for Students with Disabilities

By August 15, 2017, the University will review and revise its policies and procedures for the provision of housing for students with disabilities who apply for residence or reside in University owned or operated housing to ensure that such students with documented Section 504 qualifying disabilities are not charged higher residence hall room rates solely because of the need for housing accommodations. The policies will specifically note that:

- 1) first year students who have medical documentation demonstrating the need for a single room will pay the standard double room rate and will not be charged for other amenities, such as air conditioners or kitchen facilities, so long as they have provided medical documentation demonstrating the need for such amenities; and
- 2) upper class (sophomores, juniors and seniors) and graduate students, who are currently assigned to single rooms by virtue of their upper class or graduate status, will pay the standard single room rate and will not be charged for other amenities such as air conditioners or kitchen facilities, so long as they have provided medical documentation demonstrating the need for such amenities.
- 3) The University will further ensure that, by August 15, 2017, its housing rate information and rate card does not indicate or otherwise suggest that students with documented disabilities are charged more than non-disabled students for housing with accommodations. In that connection, by August 15, 2017, the University will not offer rooms designated as “ADA Rooms” at a higher rate than other rooms.

Reporting Requirements:

By July 15, 2017, the University will provide to OCR, for OCR’s review and approval, drafts of policies and procedures consistent with Item I above, along with its revised housing information rate card and revised housing application form.

Within fifteen (15) days of the University’s receipt of OCR’s approval of the policies, procedures, rate card, and application form, the University will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved policies and procedures; updated its 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.

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, (iii) copies of relevant pages, or if not yet finalized copies of inserts, for printed publications. If inserts were used for any publications, then by November 1, 2017, the University will provide to OCR copies of the relevant pages of printed versions of all publications disseminated to students 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.

II: Training

By November 15, 2017, the University will provide effective training to University officials and administrators who are involved in admissions inquiries, as well as in the process of evaluating requests for, making decisions about, and billing for, housing accommodations for students with disabilities. The University's training will cover the University's newly adopted policies and procedures developed pursuant to Item I, and the University's obligations to provide non-discriminatory housing accommodations in accordance with the requirements of the regulation implementing Section 504.

Reporting Requirement:

By November 30, 2017, the University will submit to OCR documentation demonstrating that the training described in Item II 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); and, the names and titles of the staff in attendance.

III: Individual Remedies

By November 15, 2017, the University will assess the rates charged to students with documented Section 504 disabilities who received single rooms and other amenities as necessary housing accommodations during 2016-2017, and who are to receive such accommodations in 2017-18, and will ensure that such students are reimbursed and/or not charged for accommodations that were or will be provided due to their disabilities.

Reporting Requirements:

By November 30, 2017, the University will provide OCR with:

- a) Information demonstrating that it reviewed the 2016-17 housing placements for students with documented disabilities, particularly with respect to four students described to OCR by the University as H.M.R.; H.B.; S.J.C.; and A.M., where it charged the students for single or “ADA rooms” or other amenities, including but not limited to air conditioners or kitchen facilities. The information will include documentation demonstrating reimbursement to each student; or information showing why reimbursement was not appropriate.
- b) A list of all students with disabilities who requested residence hall assignments or other accommodations (including but not limited to single rooms, air conditioning and/or kitchens) due to disability for the 2017-18 academic year. For each student, the University will provide it’s response to the request including information showing that the students were not charged more for a single room or other amenities, including but not limited to air conditioners or kitchen facilities, after they provided medical documentation demonstrating the need for such amenities. The information will include for each such student, (i) the housing accommodation(s) the student requested; (ii) the housing accommodation(s) for which the student was approved; (iii) the housing cost per semester incurred by the student; and, (iv) an explanation for the housing cost per semester incurred by the student.

Entering into this agreement does not constitute an admission by the University of a violation of Section 504, its implementing regulation, or any other law. OCR agrees that resolution of the allegation prior to concluding its investigation of the complaint is appropriate based upon the University's commitment to take the actions specified in this agreement, which, when fully implemented, will resolve the allegation OCR accepted for resolution. The University understands that OCR will not close the monitoring of this agreement until OCR determines that University has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), and 104.43(a), which were at issue in this case. The University also 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 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 regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), and 104.43(a), which were at issue in this case. The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

Signed: _____
For Millikin University

Date