

## **RESOLUTION AGREEMENT**

Docket Numbers: 07142210, 07142230, and 07142232

The U.S. Department of Education, Office for Civil Rights (OCR), initiated complaint investigations of the University of Missouri-Kansas City (University), Kansas City, Missouri, pursuant to Section 504 of the Rehabilitation Act of 1973, 29 United States Code § 794, and its implementing regulation at 34 Code of Federal Regulations Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990, 42 United States Code § 12131, and its implementing regulation, 28 Code of Federal Regulations Part 35, which prohibit discrimination on the basis of disability by public entities. The University, as a recipient of Federal financial assistance and a public entity, is subject to the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

The complainant alleged the following.

- In Docket # 07142210, the complainant alleged the University discriminated on the basis of disability when it would not allow the disabled students to present a constitution for a Disabled Students Council for approval by the student government association.
- In Docket # 07142230, the complainant alleged: 1) the University discriminated on the basis of disability by refusing to hear and approve a budget for the Disabled Students Council; and 2) the University retaliated against the complainant by refusing to hear and approve a budget for the Disabled Students Council.
- In Docket # 07142232, the complainant alleged: 1) the University discriminated on the basis of disability by refusing to provide office space for the Disabled Students Council; and 2) the University retaliated against the complainant for filing prior OCR complaints, when it refused to provide office space for the Disabled Students Council.

Before OCR completed its investigations, the University agreed to enter into this Resolution Agreement (Agreement) to resolve these complaints. By entering into this Agreement, the University does not intend to admit liability and nothing contained in this Agreement shall be construed as an admission of liability by the University or any of its curators, officers, employees, agents or attorneys, either past, present or future, to the Complainant under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §12131, and its implementing regulation, 28 C.F.R. Part 35, or under any other legal theory whatsoever, all such alleged liability being hereby expressly denied. Further, by entering into this Agreement, the University does not intend to admit and nothing contained in this

Agreement shall be construed as an admission by the University or any of its curators, officers, employees, agents or attorneys, either past, present or future, to any violation of Section 504, Title II, or any other federal statute or regulation which OCR has responsibility for enforcing, all such alleged violations being hereby expressly denied.

1. By \_\_\_\_\_, the University will send a certified letter return receipt requested and an email with return receipt requested to the Disabled Students Council vice president, the person identified by the complainant as the individual who will be presenting the Disabled Students Council constitution for review. This letter will state: 1) the director of student involvement and the executive vice president of the student government association will work with him to ready the Disabled Students Council constitution for submission to the constitution committee and the student government association senate; 2) please submit the proposed Disabled Students Council constitution to the director of student involvement and the executive vice president of the student government association at \_\_\_\_\_ [email addresses]; 3) if there is another person who will be presenting the Disabled Students Council constitution for review, please provide the name and email address of this person; 4) if the director of student involvement or the executive vice president of the student government association do not receive a response to this letter or email within 30 days of the date of the letter or email, the University will assume that the Disabled Students Council does not want to present its constitution for review at this time.

**REPORTING REQUIREMENT:** By \_\_\_\_\_, the University will provide OCR copies of the certified letter return receipt requested and the email with return receipt requested with documentation of the response or lack of response received by the University.

2. If the University receives the Disabled Students Council constitution for review, it will treat the Disabled Students Council constitution the same as other approved secondary council constitutions and will not reject the Disabled Students Council constitution because it does not include items 4, 5, or 9 of the constitution writing guidelines.

**REPORTING REQUIREMENT:** By \_\_\_\_\_, the University will provide OCR documentation of whether the University received a copy of the Disabled Students Council constitution for review; if the University received a copy of the Disabled Students Council constitution for review, a copy of the Disabled Students Council constitution and the results of the review, including whether the Disabled Students Council constitution was approved by the executive vice president of the student government association, the constitution committee, and the student government association senate; if the Disabled Students Council constitution was not approved at any of these stages, the reasons why it was not approved; and all correspondence and documentation regarding the approval or disapproval of the Disabled Students Council constitution.

3. If the Disabled Students Council submits a constitution and that constitution is approved, within 10 days of that approval, the University will send a certified letter return receipt requested and an email with return receipt requested to the vice president of the Disabled Students Council, or other individual designated to represent the Disabled Students Council, informing the individual that the Disabled Students Council may apply for office space and request a budget within 30 days of the date of the letter. The letter will inform the individual of the University's processes for student councils to apply for office space and to request a budget, including all required information and documentation that must be provided in support of requests for office space and a budget.

**REPORTING REQUIREMENT:** The University will provide OCR copies of the certified letter return receipt requested and the email with return receipt requested within 10 days of the date each was sent to the individual representing the Disabled Students Council. If the University does not receive an application for office space and/or a budget request from the Disabled Students Council within the designated 30 days, the University will so notify OCR in writing within 40 days from the date of the certified letter and email referenced in item 3 above.

4. The University will require the appropriate individual or entity to consider the Disabled Students Council's application for office space at their next scheduled meeting, or within 30 days of the date of the request for office space, whichever is the shorter timeframe. The University will require the appropriate individual or entity to consider the Disabled Students Council's request for a budget at their next scheduled meeting, or within 30 days of the date of the request for a budget, whichever is the shorter timeframe. The University will notify the individual representing the Disabled Students Council of its decisions regarding the Disabled Students Council's requests for office space and a budget in writing (by letter and by email). The University will treat the Disabled Students Council in the same manner as it treats all student councils in every aspect of the processes for requesting office space and a budget, as well as in the assignment of office space and approval of a budget (with the exception of the timeframe for considering the requests for office space and a budget).

**REPORTING REQUIREMENT:** Within 10 days of the University's decisions regarding office space and a budget for the Disabled Students Council, the University will provide OCR a copy of the Disabled Students Council's application for office space and request for a budget including all supporting information and documentation provided by the Disabled Students Council, and a copy of the University's written notice to the Disabled Students Council of its decisions regarding office space and a budget for the Disabled Students Council. If either the Disabled Students Council's application for office space or its request for a budget were denied, in whole or in part, the University will state the reasons for the

denial(s) in whole or in part and provide all supporting documentation of the reasons for the denial(s).

5. If the University determines the Disabled Students Council meets the requirements as a student council for office space and all offices generally allocated by the University to student councils and organizations are occupied, the University will locate an alternative office space in the student union and provide that space to the Disabled Students Council for the remainder of the 2014-15 academic year. For the 2015-16 academic year, the Disabled Students Council may apply, along with other student councils and organizations, for office space generally allocated by the University for student councils and organizations. The University will treat the Disabled Students Council in the same manner as it treats all student councils in every aspect of the process for requesting office space, as well as in the assignment of office space for the 2015-16 academic year. The University will not be required to provide the Disabled Students Council the alternative office space for the 2015-16 academic year or any succeeding years under the terms of this Agreement.

**REPORTING REQUIREMENT:** If the University approves the Disabled Students Council's request for office space, within 10 days of the University's approval of office space for the Disabled Students Council, the University will provide OCR photographs fully depicting the office space provided for the Disabled Students Council, as well as a written description of the space including its location and dimensions.

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 regulations implementing Section 504 and Title II, which were at issue in these cases.

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 regulations implementing Section 504 and Title II, which were at issue in these cases.

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 60 (sixty) calendar days to cure the alleged breach.

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Leo Morton, Chancellor  
University of Missouri-Kansas City

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Date