

RESOLUTION AGREEMENT
University of Missouri – St. Louis
OCR Docket Number 07152271

The University of Missouri – St. Louis (University), St. Louis, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the complainant’s allegation in OCR Docket No. 07152271. The University, as a recipient of Federal financial assistance, is subject to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104; 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.

The Complainant alleged the University discriminates against individuals with disabilities who use service animals by requiring the handler to adhere to requirements contained in the University’s Policy on Service Animals (Policy), some of which the Complainant alleged are prohibited by the Americans with Disabilities Act.

The University voluntarily agreed to resolve the complaint prior to the conclusion of OCR’s investigation into the complaint allegations.

This Agreement does not constitute an admission by the University of a violation of Section 504 and Title II or any other law enforced by OCR.

The University agrees to take the following actions:

Service Animal Policy

1. By June 1, 2016, the University will develop and submit to OCR for review and approval, policies and procedures to implement 28 C.F.R. Section 35.136 and 34 C.F.R. Section 104.4 regarding the rights on individuals with disabilities to be accompanied by service animals in all areas of the University’s campuses where members of the public, participants in services, program, or activities, or invitees are allowed to go. The revised policies and procedures will comply with the Americans with Disabilities Act and the United States Department of Justice guidance on service animals¹.

REPORTING REQUIREMENT: By June 1, 2016, the University will provide OCR with a copy of its draft revised Service Animal Policy for review and approval.

2. Within 60 days of receiving OCR’s approval of the revised Service Animal Policy, the University will publish its revised Service Animal Policy in all publications that previously included the Service Animal policy including on the University’s website.

REPORTING REQUIREMENT: By September 30, 2016, the University will provide OCR with documentation evidencing the publication of the revised Service Animal Policy.

¹ http://www.ada.gov/regs2010/service_animal_qa.pdf

3. By August 31, 2016, the University will provide written notice of the revised Service Animal Policy to all students and employees. The University will make this notification in a manner consistent with the methods used by the University to notify students and employees of policy changes. For example, the revised Service Animal Policy may be shared through the University's website, electronic mail messages to students and employees, and/or regularly issued newsletters (in print or online), as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: By September 30, 2016, the University will provide OCR with documentation evidencing the implementation of item 3 of the Agreement.

Training

4. By August 12, 2016, the University will provide training regarding the revised Service Animal Policy to (1) the Director of Residential Life and Campus Housing; (2) Coordinator of Program/Services for Persons with Disabilities; (3) Manager of Human Resources; (4) Police Lieutenant who handles disaster training on campus; and (5) Assistant Dean of Students Student Life Operations, who is the campus contact person for the outside entity who provides food service to the campus.

REPORTING REQUIREMENT: By September 30, 2016, the University will submit documentation to OCR that demonstrates completion of the training on the revised Service Animal Policy. Such documentation should include the date(s) of the training session(s), the name, and title of the trainer(s), and an attendance sheet or other documentation signed by the participants and providing their name and position with the University.

Reporting Requirement

5. By October 31, 2016, the University will provide a report documenting its responses to all requests, inquiries or any other actions taken regarding the use of the request to use a service animal to access any of the University's services, program, or activities received after the date this agreement is accepted by OCR. The documentation shall include the request, inquiry, or action, the name and contact information of the person or organization making the request, the date of the request, the name and contact information of the University staff who responded to the request, and a summary of the response to the request

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 at 34 C.F.R. Section 104.4 and Title II at 28 C.F.R. Section 35.136 which were at issue in this case.

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 any 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 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 at 34 C.F.R. § 104 and Title II at 28 C.F.R. § 35, 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 sixty (60) calendar days to cure the alleged breach.

/s/ Thomas F. George
Dr. Thomas F. George, Chancellor
University of Missouri – St. Louis

2/28/16
Date