

## RESOLUTION AGREEMENT

### Weber State University Case Number 08-16-2180

In order to resolve the open allegations in Case Number 08-16-2180, filed against Weber State University (“the University”) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 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. §§ 12131-65, and its implementing regulation at 28 C.F.R. part 35, the University agrees to take the actions outlined in this Resolution Agreement.

During the course of OCR’s investigation, before OCR had made any findings, the University indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, complaint allegations and issues may be resolved when, before the conclusion of an investigation, a recipient has indicated that it is willing to take action in the future to resolve the complaint, OCR believes that doing so is appropriate, and the agreement’s remedies align with the allegations and issues. The requirements in this Agreement are aligned with the identified issues and consistent with Section 504’s and Title II’s regulatory requirements. The University’s decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. **Training:** By February 15, 2017, the University will train all faculty and staff in the College of Health Professions, including all faculty and staff in the Department of Dental Hygiene on the requirements of Section 504 and Title II.

1.1. The training will be conducted by one or more qualified individuals.

1.2. The training will include, but will not be limited to, the following topics:

1.2.1. Adjustments and modifications for qualified students with disabilities; and

1.2.2. Staff-on-student harassment on the basis of disability.

**REPORTING REQUIREMENT:** Within twenty (20) calendar days of the training, the University will provide for OCR’s review:

- A. The date, time, and location of the training;
- B. The names and titles of all attendees;
- C. The name(s) and qualifications of the trainer(s); and
- D. The training agenda and materials.

2. **Policies:** By December 31, 2016, the University will review and revise, as necessary, its policies and procedures regarding: (a) adjustments and modifications for qualified students with disabilities; and (b) harassment on the basis of disability.

2.1. The policies and procedures will include, but will not be limited to, the following topics:

2.1.1. How faculty and staff will work with students who seek to utilize adjustments and modifications granted by the University;

2.1.2. Complaints from students who believe they were improperly discouraged or denied the use of adjustments and modifications, including, but not limited to, how complaints can be filed and how the University will respond to such complaints;

2.1.3. A prohibition on harassment of students with disabilities; and

2.1.4. Complaints from students who believe they have been harassed on the basis of disability, including, but not limited to, how complaints can be filed and how the University will respond to such complaints.

**REPORTING REQUIREMENT:** By December 31, 2016, the University will provide OCR drafts of the policies and procedures for review.

2.2. The University will then promptly and fully address feedback from OCR until it receives OCR's final approval of the policies and procedures.

2.3. Within sixty (60) calendar days of OCR's final approval of the revised policies and procedures, the University will adopt, publish, and disseminate the revised policies and procedures.

2.3.1. Publication must include in the University's "Policies and Procedures Manual."

2.3.2. Dissemination must include posting on the University's "Services for Students with Disabilities" and "Affirmative Action/Equal Opportunity" websites, as well as distribution to all faculty and staff in the University's College of Health Professions.

**REPORTING REQUIREMENT:** Within sixty (60) calendar days of OCR's final approval of the revised policies and procedures, the University will provide OCR documentation showing that the revised policies and procedures were adopted, published, and disseminated as required.

The University understands that by signing this Agreement, it agrees to provide 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 Section 504 and its implementing regulation at 34 C.F.R. part 104, and Title II and its implementing regulation at 28 C.F.R. part 35, 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 Section 504 and its implementing regulation at 34 C.F.R. part 104, and Title II and its implementing regulation at 28 C.F.R. part 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 the Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/ \_\_\_\_\_  
For Weber State University

10/19/2016 \_\_\_\_\_  
Date

Name: Barry Gomberg  
Title: Executive Director of  
Affirmative Action and Equal Opportunity