

# **RESOLUTION AGREEMENT**

## **University of Northern Colorado OCR Case Number 08-17-2070**

In order to resolve allegations in OCR case number 08-17-2070 filed against the University of Northern Colorado (University) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the University agrees to implement this Resolution Agreement. This case was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. §§ 104.4(a), 104.4(b)(4)(i), 104.43(a) and 104.44(a) and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. §§ 35.130(a), 35.130(b)(1)(ii) and (iii), 35.130(b)(7) and 35.130(f), which were at issue in this case.

1. **Policies and Procedures.** By October 1, 2017, the University will adopt and publish policies and procedures for the provision of housing accommodations that ensure that students with disabilities approved for single rooms<sup>1</sup> as housing accommodations are not charged a supplemental single-room premium or room buyout charge solely because of the need for the accommodation.

### **REPORTING REQUIREMENT 1:**

- a. By September 15, 2017, the University will provide to OCR, for OCR's review and approval, drafts of policies and procedures consistent with Item 1 above.
- b. Within 30 days of receiving OCR's approval of the policies and procedures, 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 and employees. 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 employees; 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 15, 2017, the University will provide to OCR copies of the relevant pages of printed versions of all publications disseminated to students and employees 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.

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<sup>1</sup> For this Agreement, the term "single room" includes those rooms designed for single occupancy and those designed for double-occupancy that are converted to a single room to provide a housing accommodation for a student with a disability.

- c. By June 1, 2018, the University will provide to OCR a list of all students, with their contact information, who were approved to receive single rooms as housing accommodations during school year 2017-18. For each such student, the University will provide to OCR: (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; (iv) the residence hall in which the student resided; (v) a list of the housing tier prices by residence hall for school year 2017-18 and (vi) an explanation for the housing cost per semester incurred by the student. If, upon review, OCR determines that any students should be provided reimbursement, OCR will so notify the University, and within 30 days of receiving OCR's notification, the University will submit to OCR documentation demonstrating reimbursement of the proper amount to each student; or, provide documentation, for OCR's review and approval, supporting that reimbursement was not appropriate.
2. **Training.** By November 1, 2017, the University will provide training to all University officials and administrators who are involved in the process of evaluating requests for, making decisions about, and billing for, approved single rooms as housing accommodations due to a disability. The University's training will cover the University's newly adopted policies and procedures developed pursuant to Item 1, and the University's obligations to provide housing accommodations in accordance with the requirements of the regulation implementing Section 504 and the ADA.

**REPORTING REQUIREMENT 2:** By November 15, 2017, the University will submit to OCR documentation demonstrating that the training described in Item 2 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); include a copy of any materials used or disseminated during the training; and, include the names and titles of the staff in attendance.

3. **Individual Remedies.** By November 15, 2017, the University will assess the rates charged to students with disabilities who received single rooms as housing accommodations during academic years 2015-2016 and 2016-2017, and will submit to OCR proposed recommendations for reimbursements to students who were charged a supplemental single room premium or room buyout charge for the single room in which they were placed as an accommodation for their disability. The University will explain its recommendations for each reimbursement or decision not to provide a reimbursement.

**REPORTING REQUIREMENT 3:**

- a) By November 15, 2017, the University will provide to OCR a list of all students who were approved to receive single rooms as housing accommodations due to a disability during academic years 2015-2016 and 2016-2017. For each student, the University will provide to OCR: (i) the housing cost incurred per semester by the student; (ii) the University's recommendation for reimbursement to the student, if any; and, (iii) an explanation for the amount of the proposed reimbursement, if any, or decision not to provide a reimbursement, for OCR's review and approval.

- b) Within 30 days of receiving OCR's approval of the decisions made consistent with Item 3 above, the University will submit to OCR documentation demonstrating that it provided reimbursements to all students approved for reimbursement, with the amount of the reimbursement indicated.

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), 104.4(b)(4)(i), 104.43(a) and 104.44(a) and the Title II implementing regulation at 28 C.F.R. §§ 35.130(a), 35.130(b)(1)(ii) and (iii), 35.130(b)(7) and 35.130(f), 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.

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), 104.4(b)(4)(i), 104.43(a) and 104.44(a) and the Title II implementing regulation at 28 C.F.R. §§ 35.130(a), 35.130(b)(1)(ii) and (iii), 35.130(b)(7) and 35.130(f), which were at issue in this case.

For University of Northern Colorado:

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August 1, 2017

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Kay Norton  
President

Date