

Resolution Agreement
University of Northern Colorado
Complaint Number 08-18-2237

In order to resolve the allegations in Case Number 08-18-2237 filed against University of Northern Colorado (University), the University agrees to implement the following Resolution Agreement. These complaint allegations were 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, 29 U.S.C. § 794 (Section 504) 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, which prohibit discrimination on the basis of disability in public education programs that receive Federal financial assistance from the Department.

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*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The University’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. The University will review and revise its investigation of and/or its final investigative report regarding the complainant’s discrimination complaint filed with the University on March 26, 2018, (University case number 2017152101) in accordance with the University’s identified Section 504 and Title II grievance procedures. Specifically the University will ensure that:
 - a. the investigation and the final investigative report are completed consistent with the requirements of Section 504 as well as Title II;
 - b. the disability status (*i.e.* - disabled or non-disabled) for each of the comparator students identified in the final investigative report (Student 1, Student 2 and Student 3) is included in the report; and
 - c. the University’s determination that the complainant’s request for an academic adjustment (accommodation) to take the written portion of her comprehensive examination orally was a fundamental alteration included the following process at the time the decision was made:
 - 1) the decision was made by relevant officials including faculty members;
 - 2) the decision makers considered a series of alternatives, their feasibility, cost and effect on the academic program; and
 - 3) after a reasoned deliberation, the decision makers reached a rationally justifiable conclusion that the available alternatives would result either in lowering of academic standards or requiring substantial program alteration.

REPORTING REQUIREMENT: By **October 1, 2018**, the University will provide

OCR, for OCR approval, copies of all documentation related to its review and revision of its investigation and investigative final report of the complainant's disability-related complaint. This includes, but is not limited to:

- a. A list of any individuals interviewed;
- b. Individual interview or written statements;
- c. Revised final investigative report; and
- d. The University's proposed actions to redress any findings of disability discrimination.

OCR will review the documentation submitted to ensure that the University met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. § 104.7(b) and Title II, at 28 C.F.R. § 35.107(b) in processing the complainant's disability-related complaint.

2. If necessary, the University will take action to address any concerns identified by OCR with respect to the review and revisions made to its investigation and/or final investigative report of the complainant's disability-related complaint, until OCR determines that the University has met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. § 104.7(b) and Title II, at 28 C.F.R. § 35.107(b).

REPORTING REQUIREMENT: Within 30 calendar days of the date OCR notifies the University of concerns regarding the University's review and any revisions made to its investigation and/or final investigative report of the complainant's disability-related complaint, the University will provide a description of the corrective action taken in response to OCR's concerns.

3. Within 30 calendar days of receiving OCR's approval, the University will provide the complainant with its revised final investigative report. If the University finds that discrimination occurred, the University will take appropriate responsive action.

REPORTING REQUIREMENT: Within seven (7) calendar days of taking the actions required under Term 3, the University will provide documentation evidencing the completion of those actions.

4. The University will review, and if necessary, revise its policies and procedures for requesting accommodations to ensure that any faculty input as to whether any academic requirements are essential to the instruction being pursued or to any directly-related licensing requirements is provided and accounted for before accommodations are issued to students.

REPORTING REQUIREMENT: By **October 1, 2018**, the University will provide OCR, for OCR's review, approval and feedback, its revised draft accommodations policies and procedures.

5. If necessary, the University will take action to address any feedback provided by OCR with respect to the draft accommodations policies and procedures.

REPORTING REQUIREMENT: Within 30 calendar days of the date OCR provides feedback regarding the University's draft accommodations policies and procedures, the University will provide a description of the corrective action taken in response to OCR's feedback.

6. Within 30 calendar days of OCR's approval of the draft accommodations policies and procedures, the University will adopt and implement the revised policies and procedures.

REPORTING REQUIREMENT: Within 30 calendar days of its final adoption of the revised policies and procedures, the University will provide documentation to OCR establishing that it has adopted and implemented the new policies and procedures.

7. Within 30 calendar days after adopting and implementing the new policies and procedures, the University will provide training highlighting the changes to the policies and procedures to Disability Support Services (DSS) staff and administrators. The University will also notify all faculty of the changes to the policies and procedures. The faculty notification will include contact information for the DSS Director and Section 504/ADA Coordinator to respond to any faculty questions about the changes to the policies and procedures.

REPORTING REQUIREMENT: Within 20 calendar days of providing the training, the University will provide OCR with documentation that it has conducted the required training and will provide the following information: the date(s) the training was conducted; a list of staff and administrators, by name and title, who participated in the training and copies of any written materials (i.e., slides, handouts) used or distributed during the training. The University will also provide a copy of the notification sent to all faculty including a distribution list.

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 the Agreement, if necessary, OCR may visit the University, interview University employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this complaint.

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.

For University of Northern Colorado:

<u>/s/</u>	<u>7/18/18</u>
Name	Date
Title	