

## SETTLEMENT AGREEMENT

Central Washington University (the university) enters into this Settlement Agreement (agreement) to resolve the allegations in a complaint (OCR Reference No. 10162203) filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

### **Action Item A: Review of Policies and Procedures**

1. The university will review and revise its policies and procedures with regard to the provision of academic adjustments and auxiliary aids and services to students with disabilities. The policies and procedures will ensure that when the university determines that a student's documentation does not support the student's request for academic adjustments or auxiliary aids, the university will notify the student of the deficiencies in the documentation within a reasonable time. The university will ensure that its policies and procedures describe the process for determining whether a requested academic adjustment or auxiliary aid would constitute a fundamental alteration of an essential program requirement (Title II), or whether a requested academic adjustment or auxiliary aid would modify an academic requirement that is essential to the program of instruction being pursued by the student or a directly related licensing requirement (Section 504). The process to determine a fundamental alteration will include, at a minimum:
  - i. a review of all resources available for use in the funding and operation of the program or activity;
  - ii. a decision made by relevant officials, including faculty members, with knowledge of whether a requested accommodation for a particular class or learning opportunity would fundamentally alter an essential program requirement of that class or opportunity;
  - iii. a decision issued in writing that includes the reasons for reaching the conclusions when the university denies an accommodation on this ground; and
  - iv. if a proposed academic adjustment or auxiliary aid would result in an alteration, the university will take any other action that would not result in such an alteration but would ensure that, to the maximum extent possible, individuals with disabilities receive the university's services, programs, and activities.

**Reporting Requirement:** By September 8, 2017, the university will provide to OCR, for review and approval, the proposed revised policies and procedures developed in accordance with Action Item A(1). If OCR requires any changes to the proposed revised policies and procedures, the university will make the changes and re-submit the revised policies and procedures within 20 days of receiving OCR's notice of required edits. The university and OCR will repeat this process until OCR approves the revised policies and procedures.

2. Within 30 days of receiving OCR's written approval of the university's revised policies and procedures, the university will adopt and publish the revised policies and procedures.

Publication will include written notice of the revised policies and procedures by mail or e-mail to all students, staff, administrators, and faculty.

Reporting Requirement: Within 60 days of receiving OCR's written approval of the university's revised policies and procedures, the university will provide documentation to OCR demonstrating the university's compliance with Action Item A(2). This includes copies of the written notices and a description of the methods used to distribute the written notices.

### **Action Item B: Training**

By December 8, 2017, the university agrees to provide training to its academic administrators and disability services staff regarding the revised policies and procedures developed in accordance with Action Item A above, and by March 1, 2018, the university agrees to provide that training to its faculty.

Reporting Requirement: Within 14 days of completing the trainings described in Action Item B, the university will provide documentation to OCR demonstrating the completion of the trainings, including a copy of all training materials used, the dates of the trainings, a copy of the attendance sheets that includes names, offices, and job titles of attendees, and the name, title, and qualifications of the trainers.

### **Action Item C: Student-Specific Actions**

1. By August 11, 2017, the university will e-mail and send the student a letter expressing the university's commitment to provide necessary academic adjustments and auxiliary aids and services to students with disabilities pursuant to Section 504 and Title II, expressing regret regarding the university's actions which resulted in the student's difficulties in attending classes in the winter and spring quarters of 2016, and notifying the student that the university will send her a copy of its revised policies and procedures developed in accordance with Action Item A, above.

Reporting Requirement: Within 7 days of sending the e-mail and letter to the student, the university will provide OCR with a copy of both.

2. The university will offer to reimburse the student in writing for expenses she incurred for tutoring in winter or spring 2016, and will give the student no less than 30 days from the date of the letter to make this request to the university. The university may require the student to provide documentation supporting her request for reimbursement, such as tutoring receipts or invoices.

Reporting Requirement: If the student requests reimbursement for tutoring expenses, the university will provide OCR, for its review and approval, a copy of the university's proposed written determination regarding this request including the reasons for its decision within 10 days of making the decision. If the university proposes to deny all or part of the request for reimbursement, OCR will review the university's proposed determination and notify the university if OCR requires additional information to support the university's proposed

decision. If OCR determines that the university is unable to provide sufficient information to support its proposed decision, the university will revise its proposed determination until approved by OCR.

3. Within 30 days of receiving OCR's written approval of the university's revised policies and procedures developed in accordance with Action Item A, above, the university will send the student a copy of the revised policies and procedures.

Reporting Requirement: Within 60 days of receiving OCR's written approval of the university's revised policies and procedures, the university will provide documentation to OCR demonstrating the university's compliance with Action Item C(3).

### **Monitoring: General Principles**

This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No. 10162203.

OCR agrees to discontinue its investigation of OCR Reference No. 10162203 based upon the university's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.

The university understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the university understands that during the monitoring of this agreement, OCR may visit the university campus, 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. §§ 104.4 and 104.44; and Title II at 28 C.F.R. §§ 35.130 and 35.164, which were at issue in this case.

The university understands that OCR will not close the monitoring of this agreement until such time that 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. §§ 104.4 and 104.44, and Title II at 28 C.F.R. §§ 35.130 and 35.164, 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.

This agreement will become effective immediately upon the signature of the President or his designee below.

