

**Voluntary Resolution Agreement  
University of Alaska Fairbanks  
OCR Reference No. 10172032**

University of Alaska Fairbanks (University) enters into this agreement with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve OCR Reference No. 10172032, conducted under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35.

**Action Item A: Policies, Procedures and Notice to Staff**

The University recognizes its obligations under the regulation implementing Section 504 at 34 C.F.R. §104.45 to provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to others. The University also recognizes its obligations under the regulation implementing Title II at 28 C.F.R. §35.130(b)(7)(i) to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

1. By **June 1, 2017**, the University will review and revise as necessary all relevant policies, procedures, and practices pertaining to the provision of housing to students with disabilities to reflect that (a) the University does not discriminate in the provision of housing to students with disabilities; (b) the University will provide comparable, convenient, and accessible housing to students with disabilities; (c) students with disabilities approved for housing accommodations are not subject to surcharges; and (d) the University will make reasonable modifications to its housing policies, procedures, and practices when the modifications are necessary to avoid discrimination, unless the University can demonstrate that making the modifications would fundamentally alter the nature of the housing services provided by the University.

**Reporting Requirement:** By **June 15, 2017**, the University will provide OCR with its revised policies, procedures, and practices referenced in Action Item (1) above for OCR's review and approval. If OCR requires any changes to the policies, procedures, and practices, the University will make the changes and re-submit the policies, procedures, and practices within 20 days of receiving OCR's notice of the required revisions.

2. Within 30 days of receiving notice of OCR's approval of the revised policies, procedures, and practices referenced in Action Item A(1), the University will

publish the revised policies, procedures, and practices on its website and in any other University publications that contain information about on-campus housing for students with disabilities. Inserts may be used pending the re-printing of those publications.

**Reporting Requirement:** Within 60 days of receiving notice of OCR’s approval of the revised policies, procedures, and practices, the University will provide OCR with documentation demonstrating that they have been published in accordance with Action Item A(2).

3. By **June 1, 2017**, the University will disseminate a memorandum (this memorandum can be sent electronically) to relevant staff in the University’s Disability Support Service Office and the Residence Life Office which describes the University’s obligations under Section 504 to provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to others, and the obligations under Title II to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

**Reporting Requirement:** By **June 15, 2017**, the University will provide to OCR documentation demonstrating that it distributed the memorandum referenced in Action Item A(3) above, including the list of personnel, with name and title, who received the memorandum and the University’s method of distribution.

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

1. The University agrees to reimburse students with disabilities who were granted single room student housing and/or apartment style dormitory rooms with kitchens as a disability-related accommodation during the academic years 2015-2016 and 2016-2017 and who were charged more than comparable non-disability related housing options. The University further agrees to provide OCR with information demonstrating which students should receive reimbursement for the additional charges, and the method by which the reimbursement was calculated.

#### **Reporting Requirements:**

- a) By **June 15, 2017**, the University will provide to OCR for its review and approval, the method by which any reimbursement was calculated. If OCR requires any changes to the method for reimbursement, the University will

make the changes and re-submit the revised method for reimbursement within 20 days of receiving OCR’s notice of the required revisions.

- b) Within 60 days of receiving OCR’s written approval of the method for reimbursement, the University will submit to OCR documentation demonstrating that any identified student who was overcharged was reimbursed for the additional charges.

**General Monitoring Provisions**

1. 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, 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 regulation implementing Section 504 at 34 CFR Part 104 and Title II at 28 CFR Part 35.130, which was at issue in this case.
2. 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. Part 104 and Title II at 28 C.F.R. Part 35.
3. 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 CFR § 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.

**Effective Date**

This Agreement will become effective immediately upon the signature of the Chancellor or his designee below.

\_\_\_\_\_/s/\_\_\_\_\_  
Dana L. Thomas  
Interim Chancellor  
University of Alaska Fairbanks

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April 26, 2017  
Date