

**Voluntary Resolution Agreement  
Western Washington University  
OCR Reference No. 10172085**

Western Washington University (University) voluntarily enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint alleging a violation 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. By submitting this Agreement, the University is not admitting to non-compliance with Section 504 or Title II or their implementing regulations.

The University hereby reaffirms its commitment to provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to others; and to make reasonable modifications in policies, practices, or procedures when such 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.

The University voluntarily agrees to take the actions set forth below.

**Policies, Procedures and Notice to Staff**

1. Within 75 calendar days of the date of this agreement, 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:** Within 105 calendar days of the date of this agreement, 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. OCR and the University will repeat this process until OCR has approved the revised policies, procedures, and practices.

2. Within 90 days of receiving notice of OCR's approval of the revised policies, procedures, and practices referenced in Action Item (1), the University will adopt and 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. The University may use inserts pending the re-printing of those publications.

**Reporting Requirement:** Within 30 days of adopting the revised policies, procedures, and practices, the University will provide OCR with documentation demonstrating that they have been published in accordance with Action Item (2).

3. Within 30 calendar days of receiving notice of OCR's approval of the revised policies, the University will provide training to relevant staff in the office of DisAbility Resources for Students and the office of University Residences 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. The University will also disseminate a memorandum (this memorandum can be sent electronically) covering this information to such relevant staff.

**Reporting Requirement:** Within 30 calendar days of providing training and issuing the memorandum, the University will provide to OCR documentation demonstrating that it distributed the memorandum and provided the training referenced in Action Item (3) above, including the list of personnel, with name and title, who received the memorandum and the University's method of distribution and a the list of personnel, with name and title, in attendance at the training as well as information regarding the University's plans for providing the training to those not in attendance.

### **Student-Specific Actions**

4. The University agrees to reimburse students with disabilities the difference in amount if the University provided the student with a single dormitory room and/or early arrival into dormitories as a disability accommodation during the academic years 2015-2016 and/or 2016-2017 and the University charged the student more than comparable non-disability related housing options.

### **Reporting Requirements:**

- a) Within 30 calendar days of the date of this agreement, 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. For the University to calculate fall 2017 rates consistent with OCR approval, OCR agrees to make a good faith effort to provide written approval of the University's reimbursement method no later than August 15, 2017.

- 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**

- 5. 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 C.F.R. § 104.45 and Title II at 28 C.F.R. § 35.130(b)(7)(i), which was at issue in this case. OCR will provide at least 14 calendar days of notice prior to any visit to the University or interview with a University staff member.
- 6. The University understands that OCR will close the monitoring of this Agreement when OCR determines that the University has fulfilled the specific terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.45 and Title II at 28 C.F.R. § 35.130(b)(7)(i), with regard to the issues raised in the above mentioned complaint.
- 7. 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.
- 8. This Agreement will become effective immediately upon the signature of the President or his/her designee below.

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Sabah Randhawa  
President  
Western Washington University

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May 31, 2017  
Date