

**RESOLUTION AGREEMENT**  
**College of William and Mary**  
**Case No. 11-17-2097**

In order to resolve an allegation raised in Case No. 11-17-2097, the College of William and Mary (the College) assures the United States Department of Education, Office for Civil Rights (OCR), that pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, that it will take the actions set forth below.

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

The College 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.

1. By July 1, 2017, the College 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 College does not discriminate in the provision of housing to students with disabilities; (b) the College 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 College will make reasonable modifications to its housing policies, procedures, and practices when the modifications are necessary to avoid discrimination, unless the College can demonstrate that making the modifications would fundamentally alter the nature of the housing services provided by the College.

**Reporting Requirement:** By August 1, 2017, the College will provide OCR with its revised policies, procedures, and practices referenced in Action Item A(1) above for OCR's review and approval. If OCR requires any changes to the policies, procedures, and practices, the College 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 College will publish the revised policies, procedures, and practices on its website and in any other College 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 College will provide OCR with documentation demonstrating that they have been published in accordance with Action Item A(2).

3. By July 1, 2017, the College will disseminate a memorandum (this memorandum may be sent electronically) to relevant staff in the College’s Office for Student Accessibility Services and the College’s Housing Office, which describes the College’s obligations under Section 504 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 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 July 15, 2017, the College will provide to OCR documentation demonstrating that it distributed the memorandum referenced in Action Item A(3) above, including the list of personnel, by name and title, who received the memorandum and the College’s method of distribution.

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

1. The College, upon OCR’s review and approval, agrees to reimburse students with disabilities, who were granted air-conditioning as a disability-related accommodation during the XXXX semester and the XXXX semester, but obtained window air-conditioning units at their own expense. The College further agrees to provide OCR with information demonstrating which students should receive reimbursement for the window air-conditioning units<sup>1</sup>, and the method by which the reimbursement was calculated.

#### **Reporting Requirements:**

1. By August 1, 2017, the College 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 College will make the changes and re-submit the revised method for reimbursement within 20 days of receiving OCR’s notice of the required revisions.
2. Within 60 days of receiving OCR’s written approval of the method for reimbursement, the College will submit to OCR documentation demonstrating that any identified student who was overcharged was reimbursed for the additional charges.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 CFR Part 104, which was at issue in this case. The College 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 College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as

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<sup>1</sup> This may include students who resided in residence halls with central air-conditioning, but required a window air-conditioning unit for timeframes wherein central air-conditioning was not available.

are necessary for OCR to determine whether the College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104. In addition, the College 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 and 100.10), or judicial proceedings to enforce this agreement, OCR shall give the College written notice of the alleged breach, and a minimum of sixty (60) days to cure the alleged breach.

\_\_\_\_06/14/2017\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
W. Taylor Reveley III  
President  
College of William and Mary