

**SETTLEMENT AGREEMENT**  
**Western Oregon University**  
**OCR Reference No. 10142210**

**I. INTRODUCTION**

Western Oregon University (university) enters into this agreement to resolve the compliance issues identified by the U.S. Department of Education (OCR) in its investigation of OCR Reference No.10142210, conducted under the authority of Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation, 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability in public postsecondary education systems and Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability in all programs and activities that receive Federal financial assistance from the Department.

**II. GENERAL PROVISIONS**

- A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No.10142210 and does not constitute an admission by the university of any violation of Section 504, Title II, or any other law.
- B. The university understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 CFR 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.
- C. 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 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 Title II at 28 C.F.R. 35.136, with respect to the issue in this case.
- D. 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 Title II at 28 C.F.R. 35.136, with respect to the issue in this case.

## REMEDIAL PROVISIONS

### A. Individual Remedies

1. By February 5, 2016, the university will provide a letter of apology to the complainant for being questioned by a student worker in the art gallery regarding his use of a service animal. The university will also provide OCR with a copy of the letter and verification of mailing.
2. By May 31, 2016, or within 45 days of receipt of notice of OCR's approval of the revised policies and procedures identified in Item III.B.1, below, whichever is later, the university will send the complainant a letter notifying him of the URL addresses where the university's revised policies and procedures are located on the university's website. The university will also provide OCR with a copy of the letter and verification of mailing.

### B. Review and Revision of Policies and Procedures and Training Materials

1. By February 8, 2016, the university will submit to OCR for review and approval its revision of the Office of Disability Services' policy ("Service Animals"), its Policy No. VPSA-ODS-008 ("Service and Support Policies"), and any other policies and procedures relating to the use of service animals on the university's campus.
2. By June 15, 2016, or within 30 days of notice of OCR's approval of the revised Office of Disability Services' policy ("Service Animals"), its Policy No. VPSA-ODS-008 ("Service and Support Policies"), and any other policies and procedures the university identified in item III.B.1, above, that relate to the use of service animals on the university's campus, the university will adopt and publish the approved policies and procedures on the university's website and in any other appropriate locations. The university will also ensure that any previous and inaccurate policies and procedures relating to service animals that are no longer in effect are removed from the university's website and publications. The university will also revise its service animal training materials and submit these to OCR for review and approval.

**REPORTING REQUIREMENT:** By June 1, 2016, or within 45 days of receipt of notice of OCR's approval of the policies and procedures identified in item III.B.1, whichever is later, the university will submit to OCR documentation to show the revised policies and procedures have been published on the university's website and in any other appropriate locations. Specifically, the university will provide OCR with:

- a. the URL addresses where the revised policies and procedures are located on the university's website;

- b. identification of the URL addresses on the university's website from which prior policies and procedures have been removed, including, but not limited to those on the university's disability resources website;
- c. identification of print publications and copies of relevant pages where the policies and procedures have been omitted and/or included; and
- d. copies of training materials it proposes to use to provide the training required by provision III.C, below.

C. Notice and Training

1. By July 15, 2016, or within 90 days of receipt of notice of OCR's approval of the policies, procedures, and training materials identified in item III.B.1, the university will provide training to university employees who implement disability policies and procedures, including employees of the university's Disability Services Office and employees who regularly interact with students and members of the public, including but not limited to, staff and students in the admissions office, art gallery, book store, campus recreation, dining halls, housing, and security offices. The training will include, but is not limited to:
  - a. an explanation of the prohibitions against disability discrimination, including disability harassment and protections for disabled individuals with service animals provided under Section 504 and Title II;
  - b. an explanation of the university's disability discrimination grievance procedures and a description of the range of corrective actions that are available if the university determines disability discrimination or harassment has occurred, including appropriate sanctions for persons who have perpetrated disability discrimination or harassment;
  - c. a review of any revisions made to the university's service animal policies and procedures pursuant to section III.B of the agreement; and
  - d. the name, position title, and contact information of the university employee who is responsible for responding to and resolving complaints of disability discrimination, including disability harassment and service animal complaints.
2. By October 15, 2016, the university will provide training to the faculty as part of the regularly scheduled in-service sessions held at the beginning of the academic year. The training will include, but is not limited to:
  - a. an explanation of the prohibitions against disability discrimination, including disability harassment and protections for disabled students with service animals provided under Section 504 and Title II;

- b. an explanation of the university's disability discrimination grievance procedures and a description of the range of corrective actions that are available if the university determines disability discrimination or harassment has occurred, including appropriate sanctions for persons who have perpetrated disability discrimination or harassment;
- c. a review of any revisions made to the university's service animals policies and procedures pursuant to section III.B of this agreement; and
- d. the name, position title, and contact information of the university employee who is responsible for responding to and resolving complaints of disability discrimination, including disability harassment and service animal complaints.

REPORTING REQUIREMENT: By November 1, 2016, or within 105 days of receipt of notice of OCR's approval of the policies, procedures, and training materials identified in item III.B.1, the university will provide OCR a report on the training it provided pursuant to section III.C of the agreement. The report will include, but is not limited to: the dates of trainings; identification of staff who provided the training; the duration, agenda, and description of the training(s); a signed list of the employees by name and position title, who attended the training; and copies of any handouts used in the trainings.

Signed:

/s/

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Dr. Rex Fuller  
President  
Western Oregon University

February 3, 2016

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Date