

Resolution Agreement
OCR Complaint #05-13-2408
Ivy Tech Community College

Ivy Tech Community College (College), submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Complaint # 05-13-2408. The College submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. 12132, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegations raised in this complaint.

The College agrees to the following:

1. By January 15, 2014, the College will provide the XXXXX instructor of the student who was the subject of this complaint (Student A) with training on the College's policies for providing academic adjustments and/or modifications to students.

REPORTING REQUIREMENT: By January 31, 2014, the College will submit to OCR documentation that it implemented Item 1, including a copy of all documents provided to the XXXXX instructor.

2. By December 15, 2013, the College will provide Student A a current academic transcript and offer Student A, in writing, the opportunity to retake XXXXX online or at any College campus, excluding the XXXXX campus, at no cost with all academic adjustments necessary and to have his academic record updated with his new grade in the course. The College will give Student A until January 15, 2014 to respond to this offer. If Student A accepts the offer, the College will allow Student A one year from the date of the acceptance to enroll in the course and, upon Student A's completion of the course, will immediately update his academic record and provide the student with an updated transcript.

REPORTING REQUIREMENT: By January 31, 2014, the College will submit to OCR documentation that it has implemented Item 2, including a copy of the written offer. If the College does not receive a response from Student A, the College will submit to OCR documentation establishing proof of service of the written notice to Student A that is required by this item. If Student A elects to retake the course, the College will submit to OCR documentation within 30 days of the completion of the course that it has corrected Student A's academic record and provided an updated transcript.

3. By February 15, 2014, the College will review and, in consultation with OCR, revise its policies and procedures for ensuring that students with disabilities are not subjected to discrimination on the basis of disability, including but not limited to the policies regarding the provision of academic adjustments and for resolving

disputes arising therefrom, to ensure that the policies and procedures comply with Section 504 and Title II.

REPORTING: By February 28, 2014, the College will provide documentation of the revised policies described in Item 3 to OCR for review and approval.

4. (a) Within 30 days of receipt of OCR’s approval of the revised policies and procedures described in Item 3, the College will adopt, implement and publish them. Publication will include notice of the revised policies through its website as well as by any other means of notification the College deems effective to ensure the information is widely disseminated. (b) The revised policies will be published in full in all handbooks distributed to students, faculty and staff effective with the 2014-2015 academic year.

REPORTING: By June 1, 2014, the College will provide OCR documentation verifying implementation of Item 4(a). By September 1, 2014, the College will provide documentation verifying implementation of Item 4(b).

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that, during the monitoring of this Agreement, the OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), 104.44(a), and Title II, at 28 C.F.R. § 35.130(a), which were at issue in this complaint.

The College understands that the OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), 104.44(a), and Title II, at 28 C.F.R. § 35.130(a), which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Ivy Tech Community College.

Ivy Tech Community College

Date