

Resolution Agreement
Cerritos Community College

OCR Case No. 09-14-2049

In order to resolve the compliance issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), during its investigation of the above-referenced case filed pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and without admitting any violation of law, Cerritos Community College agrees to the following:

A. Specific Provisions

1. Individual remedies: The College agrees to refund the tuition and fees paid by the complainant for courses taken at the College during Summer 2012 in the amount of \$247.
2. Non-discrimination in clinical placements:
 - a. The College will provide written notice to all hospitals, pharmacies, clinics and other health facilities (facilities) who are scheduled to accept the placement of students in practica, internships or other clinical placements in health facilities related to College programs, of the following:
 - i. That the facility may not discriminate against College students on the basis of disability;
 - ii. That the facility is required to provide reasonable accommodations to students with disabilities consistent with the requirements of Section 504 and the Americans with Disabilities Act;
 - iii. That the facility must identify to the College the individual, by name or position, responsible for coordinating with the College regarding the needs of students with disabilities for accommodations.
 - b. The College will develop written guidance addressing the responsibility of the College to secure accommodations for students with disabilities at their fieldwork or clinical placements. Copies of the guidance will be provided to all Disabled Students Programs and Services (DSPS) counselors, instructors, and specialists, and all instructors and staff members responsible for placing students in clinical placements. The guidance will cover the following:
 - i. The College's duty to identify accommodations needed for students with disabilities in clinical placements;
 - ii. The College's duty to work with clinical placement facilities to ensure that appropriate accommodations are provided;
 - iii. That a requested accommodation may be denied (e.g. when a modification of procedures or provision of auxiliary aids would

fundamentally alter the nature of the assignment) and the duty of all parties to identify alternative accommodations, if any, that would enable the student to participate in the clinical placement.

- iv. The College's duty to investigate a student complaint of alleged disability discrimination, or failure to provide accommodations, at a clinical placement, and the person or office to which any such complaint must be referred.

3. Discrimination Grievance Procedures

- a. The College will adopt procedures, or revise its current procedures, for the resolution of complaints of discrimination on the basis of disability. The revised procedures will incorporate appropriate due process standards and will provide for the prompt and equitable response to complaints alleging discrimination, including harassment, on the basis of disability. The procedures will include the following:
 - i. Notice to students and employees of where to file complaints, including specific information as to the name or title and contact information for the College employee(s) responsible for receiving and investigating reports of discrimination.
 - ii. Notice of the application of the procedures to complaints alleging discrimination by employees, other students, or third parties, by any individual who believes a student has been subjected to discrimination, including harassment, or who has witnessed or has knowledge of such discrimination.
 - iii. Adequate, reliable, and impartial investigation of complaints. The investigator will interview individuals who have knowledge relevant to the complaint, including, but not limited to, the complainant, the person who was the subject of the discrimination if different, the person accused of discrimination, anyone who witnessed the reported discrimination, and individuals identified as having relevant information. The investigator will also review any records, notes, memoranda, correspondence, or statements related to the discrimination.
 - iv. An opportunity for the complainant to identify relevant evidence and other evidence likely to lead to relevant evidence.
 - v. Designated and reasonably prompt timeframes for all stages of the complaint process.
 - vi. A description of the notice that will be provided to the parties of the outcome of the complaint investigation. The notice will explain the College's investigative process and provide a summary of the factual information gathered, its determination as to whether discrimination, including harassment, occurred, the reasons for its decisions, and any

appeal procedures. If discrimination, including harassment, is found to have occurred, the written notification will also include any remedial and corrective actions that have been or will be taken to address the discrimination or harassment and prevent any retaliation or recurrence.

- vii. An assurance that, if discrimination is found, the College will take steps to stop the discrimination, prevent recurrence, and remedy discriminatory effects on the complainant and others, if appropriate.
- viii. A statement that the College prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination.
- ix. If the College continues to maintain a grievance procedure administered through DSPS, in addition to a procedure regarding other forms of discrimination, including harassment, the procedure will clarify the relationship between these procedures, including which procedure should be used by College staff to receive and investigate complaints of discrimination on the basis of disability.

4. Discrimination Allegations in Grade Grievances

- a. The College will issue written guidance to clarify how the grievance procedures described in AP 5530, including the Student Grade Grievance Procedure, are to be used in responding to complaints of discrimination. The guidance will:
 - i. Direct administrators at the College that if a student files a grievance that includes an allegation of unlawful discrimination, including harassment and retaliation, the grievance, or portion of the grievance, will immediately be referred to the administrator responsible for investigating discrimination grievances.
 - ii. Direct that the referral will take place if the grievance or complaint alleges discrimination on the basis of disability, race, national origin, sex, age, or any other unlawful basis, even if the grievance does not explicitly refer to “discrimination.”
 - iii. Require that the College advise the student as to the requirements of each process.
- b. The College will provide training to administrators responsible for implementing the Student Grade Grievance Procedure regarding what is required by the procedures, how to recognize discrimination complaint allegations, and what the appropriate process is when a discrimination complaint is filed by a student.

B. Reporting

1. By October 30, 2015, the College will provide OCR with documentation confirming the reimbursement of the Complainant for tuition and fees, as described in paragraph A1.
2. By December 30, 2015, and June 30, 2016, the College will provide OCR with the following information:
 - i. a list of the students who participated in clinical placements as part of a College program during the previous semester, i.e. Fall 2015 and Spring 2016;
 - ii. copies of the written notices sent by the College to each such placement facility pursuant to item A2.1 above [note copies of notices sent by June 30, 2016 will be to those additional facilities that did not receive notice by December 30, 2015];
3. By December 31, 2015, the College will provide OCR with a draft for review and approval of the guidance concerning the responsibility of the College to secure accommodations for students with disabilities in fieldwork or clinical placements, as described in paragraph A2c. The College will work with OCR to address any comments or concerns, and will distribute the guidance within 15 work days after College review, and within 45 work days of final approval by OCR.
4. By December 31, 2015, the College will provide OCR with a draft of the written guidance concerning grade grievances that include allegations of discrimination, for review and approval. The College will work with OCR to address any comments or concerns, and will distribute the guidance to all administrators responsible for referring or investigating student grievances, all specialists and counselors at DSPS within 15 work days after College review, and within 45 work days of final approval by OCR.
5. By December 31, 2015, the College will provide OCR with a draft of its revised procedures for resolving complaints on the basis of disability. The College will work with OCR to address any comments or concerns, and will distribute the guidance to all administrators responsible for referring or investigating student grievances, all specialists and counselors at DSPS within 15 work days after College review and within 45 work days final approval by OCR.
6. By May 1, 2016, the College will provide OCR with a documentary evidence of the training in Section 4.b above including a description of the training, the date of the training, and sign-in sheets of the attendees.

C. General Provisions

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, OCR may visit the College, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The College understands that 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 statutes and regulations that were at issue in this case.

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, 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) calendar days to cure the alleged breach.

D. College Visit and Closure

In the event that OCR intends to visit the College during the monitoring of this Agreement, OCR will provide 10 days written notice to the College's Vice President, Student Services with a copy to Parker & Covert LLP.

Upon OCR's determination that the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case, OCR will provide the College's Vice President with written notice of OCR's closure of its monitoring of the Agreement.

_____/s/_____
College Representative
Vice President, Student Services

10/30//2015
Date