

RESOLUTION AGREEMENT
Southside Virginia Community College
OCR Case No. 11-15-2234

Southside Virginia Community College (the College) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-15-2234. This Agreement does not constitute an admission by the College of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. The College will develop and disseminate a memorandum to College administrators, faculty, and staff that notifies them that retaliation against those engaging in a civil rights-related protected activity is prohibited. At a minimum, the memorandum will:
 - a. Explain that Section 504, Title II, Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), the Age Discrimination Act of 1975 (the Age Act), and their respective implementing regulations, prohibit retaliation against individuals who assert the rights of parents, students, and others to be free from discrimination based on race, color, national origin, sex, disability, or age.
 - b. Explain that retaliation against those engaging in protected activities is unlawful and prohibited by College policy and federal law.
 - c. Clarify XXXX, students, and others can engage in specific activities that are protected from retaliation by federal civil rights laws.
 - d. Provide examples of a protected activity.
 - e. Provide examples of actions that may be considered retaliatory in nature.
 - f. Provide contact information for individuals to file complaints with the College or OCR.

Reporting Requirement:

By XXXX, the College will provide to OCR a draft of the memorandum for review and approval. OCR will make reasonable efforts to respond to the College in a timely manner.

Within 15 calendar days of OCR's approval of the draft memorandum, the College will issue the memorandum to the parties outlined above.

Within 30 days of issuance, the College will provide documentation that it has issued the memorandum, including providing a copy to OCR and an indication of who issued it and who received it.

2. In the XXXX semester, the College will provide training to all administrators, faculty, and staff about retaliation protections under federal law and College policy. The training will include, but not be limited to, an explanation of the analysis used to determine whether retaliation has occurred and examples of possible retaliatory conduct. The training also will describe various ways individuals may participate in protected activities

or raise concerns about possible discrimination, including filing a grievance under College procedures, advocating for implementation of approved academic adjustments, and filing a complaint with OCR.

Reporting Requirement:

If the College selects a non-OCR individual to provide the training session, by XXXX, the College will provide an outline of the content of the training and the name and credentials of the individual who will provide the Section 504 training to College staff for OCR's review and approval. OCR will make reasonable efforts to respond to the College in a timely manner.

Within 15 days after the training, the College shall provide to OCR a copy of its agenda, training materials, the name and qualifications of the individual who conducted the training, a copy of the sign-in sheet, a list of any required staff who did not attend, and an explanation of how staff who did not attend will receive the information addressed in the training.

3. By XXXX, the XXXX and XXXX will XXXX.

Reporting Requirement:

By XXXX, the College will XXXX.

4. During the XXXX academic year, the College will document and record the interactions and process for any occasion in which a student formally declines receipt of an approved academic adjustment and/or auxiliary aids and services (through communication to the Director of Disability Services or the course instructor). At a minimum, the documentation will reflect the circumstances in which the student declined the adjustment, the process by which the student declined, any communications related to the student's decision, and a record of whether the student had previously asserted rights or privileges under one of the laws OCR enforces (race, disability, sex, or age) or had filed a complaint, testified, or participated in an OCR proceeding.

By XXXX, the College will provide all documents and records under this provision for all occasions in which a student gives notice that he or she declines an approved academic adjustment during the XXXX academic year.

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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively.

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, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, 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 (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.

By: _____/s/_____ Date: _____3/14/2017_____

Interim Vice-President of Finance and Administration