

## **Voluntary Resolution Agreement**

Asnuntuck College  
OCR Case Number 01-10-2084

Asnuntuck Community College (College) agrees to implement this Voluntary Resolution Agreement to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), in the above referenced case number, according to OCR's jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104 (Section 504) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation 28 C.F.R. Part 35 (Title II).

### **I. POLICIES, PROCEDURES AND TRAINING**

A. The College will revise its "Process for Working with Students with Disabilities" document to more specifically describe the process to be followed when a student with a disability wishes to request an academic adjustment and/or auxiliary aids and services (aids); and of the respective responsibilities of the students, administrators, faculty, staff and the College's Student Disabilities Services Office (DSO) with respect to accommodating students with disabilities.

1) The revisions will include:

- a. Explicit notice that students may inform the Student Disabilities Services Office of their disability and request accommodations at any time (although, as currently noted, accommodations are not retroactive);
- b. How the College incorporates input from the individual claiming a disability;
- c. That when a request for an accommodation is denied,
  - (ii) The College will explain the reasons for the denial, in writing, to the student; and
  - (iii) If the request is denied because the College deems the documentation that the student provided is deficient, the College will explain why it is deficient so that the student can cure any such deficiencies.
- d. That the College, through its faculty and staff, is obligated to implement approved academic adjustments;
- e. That faculty and staff must report to and work with the Coordinator of DSO about any concerns that may arise with regard to the provision of academic adjustments/auxiliary aids and services, such as understanding an approved accommodation and how an approved accommodation should be implemented, and concerns about whether an approved accommodation is a fundamental alteration of an essential requirement of the course; and
- f. That pending the resolution of any dispute concerning approved academic adjustments such adjustments will continue to be provided.

- 2) By **August 1, 2013**, the College will provide a revised draft of the “Process for Working with Students with Disabilities” document to OCR. The College will adopt the final process description within 30 days after receiving approval from OCR.
  - 3) Once adopted, the revised “Process for Working with Students with Disabilities” document will be posted on the College website and in other appropriate media including the College catalog and student and faculty handbooks.
  - 4) The College will also disseminate the revised “Process for Working with Students with Disabilities” by memo to all faculty and staff within 30 days of OCR’s approval.
- B. By **October 1, 2013**, a mandatory professional development workshop will be presented to administrators, faculty and staff which will include training on the revised “Process for Working with Students with Disabilities.”
- 1) The training will include:
    - a. The legal obligations of the College under Section 504 and Title II, including:
      - (i) the College’s procedures for students requesting academic adjustments and aids;
      - (ii) that department chairs, instructors and/or staff cannot unilaterally deny approved academic adjustments or aids, nor may students be required to negotiate with instructors or staff about the provision of adjustments or aids that have been approved by the Disability Services Office; and
      - (iii) the obligations of College faculty and staff to report any concerns that may arise with regard to the provision of academic adjustments and aids, including the identity of the person(s) to whom the faculty and staff shall report such concerns;
    - b. The steps that faculty member or instructor or other College staff should take if:
      - (i) he/she does not understand an accommodation;
      - (ii) he/she does not understand how to implement an accommodation;
      - (iii) he/she needs help implementing an accommodation; and/or
      - (iv) he/she disputes the provision of an approved academic adjustment and/or has a concern that the approved academic adjustment is a fundamental alteration of an essential requirement.
  - 2) No later than 30-days prior to the training, the College will provide to OCR, for review and approval:
    - a. The name(s) and qualification(s) of the trainer(s) and the materials that will be used at the training, for OCR’s review and approval; and

- b. A list of the administrators, faculty and staff to be trained, by name and title, including the College's Coordinator of Student Disabilities Services (if any of these individuals are not able to attend the training then the College will ensure they receive substitute training within thirty (30) days).

3) Within 30-days after the training, the College will provide OCR:

- a. Copies of all documentation relating to its completion of the training referenced in above. The documentation shall include: a) copies of all training materials used including the credentials of the trainer(s), and b) sign-in sheets indicating the name and title of each participant.
- b. A description of how the College will ensure that faculty and staff receive on-going training in the areas detailed in paragraph (C)(1) above, as well as how and when new employees of the College will be trained on the College's obligations under Section 504 and Title II.

B. By October 1, 2013, the College will provide OCR with a process describing how it will ensure that new employees of the College are trained on the College's obligations under Section 504 and Title II, including the obligations described at Paragraph (B)(1).

## **II. THE STUDENT**

- A. The College will reimburse the Complainant in the amount of \$2,094.00, representing the tuition cost (and associated Lab Fees) for the following classes in which the Complainant did not receive full accommodations as agreed-upon by the College:
  - a. "Self and Others" (Spring 2010)
  - b. Biology (Fall 2010)
  - c. Anatomy & Physiology (Spring 2011)
  - d. Microbiology (Spring 2011)
- B. The College shall reimburse the Student up to \$ 300.00 for private counseling/therapy sessions she accessed -- between the Spring 2010 and Spring 2011 semesters -- following the failures of the College to fully accommodate her to the extent agreed-upon. The specific amount of the reimbursement will be based on the Complainant's out of pocket expenses (i.e., that not paid by the Complainant's insurance) up to \$300.00 as documented in bills/receipts that the Complainant shall provide to the College. The College will provide the reimbursement within 30 days following the Complainant's submission of such documentation.

## **III. GENERAL PROVISIONS**

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 at 34 C.F.R. Sections 104.44, which was at issue in this case.

