

### **302 Resolution Agreement**

Le Cordon Bleu College of Culinary Arts  
OCR Case Number 01-13-2184

Le Cordon Bleu College of Culinary Arts in Boston (College) agrees to resolve this complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) alleging disability discrimination. The College submits this agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (the "Act") and its implementing regulations at 34 C.F.R. Part 104 (Section 504), in regard to the allegations raised in this complaint. By doing so, the College does not admit fault or noncompliance with the Act. The Accommodation Policy and Alternative Text Plan can be modified or amended from time to time in accordance with then-applicable law.

The College agrees to the following:

#### **I. POLICIES AND PROCEDURES**

##### **A. Academic Adjustments, Auxiliary Aids and Services**

1. The College will revise, for OCR's review and approval, its "Reasonable Accommodations Policy - Individuals with Disabilities" (hereafter referred to as "Accommodations Policy") to ensure compliance with Section 504. At a minimum, the College's revised Accommodations Policy will:
  - a. Identify (by title and contact information) the individual(s) involved with determining appropriate academic adjustments<sup>1</sup> and the College's designated 504 Coordinator;
  - b. Describe the process for requesting academic adjustments, including where and with whom to initiate the process;
  - c. Provide an interactive process from the time of a student's initial request through the College's determination of what, if any, academic adjustments will be provided. This process will be led by the College's designated 504 Coordinator or his/her designee and will include input from the student, the 504 Coordinator or designee, and faculty and administration as necessary;
  - d. Provide an interactive process for addressing any issues that may arise with the College's provision of agreed-upon academic adjustments, including assurances that the College will address any instances where it is determined that there was a failure to provide such academic adjustments, or that those provided were ineffective, by taking steps to ensure delivery of effective academic adjustments; and
  - e. Include requirement that the Section 504 Coordinator or designee document in the student's file maintained by the Campus 504 Coordinator: 1) the date(s) of requests for academic adjustments, 2) the nature of each request and any supporting document provided, 3) the reason(s) for any denials, 4) the date of any communication from the student indicating any concerns with the provision or effectiveness of the academic adjustments, and 5) the steps the College took to engage in an interactive process to resolve such concerns.
2. The College will develop, for OCR's review and approval, a plan (Alternative Text Plan) to ensure that qualified students who, because of disability, require the academic adjustment of texts in an alternative format (such as an audio version), will have a reasonable alternative format text, to the

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<sup>1</sup> The reference to "academic adjustments" as used in Agreement includes academic adjustments, accommodations, auxiliary aids and services and/or modifications to policies and procedures.

extent that one can be made available to a student without undue financial or administrative burden to the College. The Alternative Text Plan will ensure that such students will have their alternative texts by no later than the first day of classes for students who have timely provided appropriate documentation of the need for such academic adjustments. The Alternative Text Plan will, at a minimum:

- a. Clearly identify individual(s) at the College who will be responsible for coordinating the timely provision of alternative format texts, i.e., timely identifying the publisher's processes for requesting alternative text formats for books used at the College; informing students of the steps they need to take to ensure timely delivery of such materials; and coordinating the College's timely gathering of the information it is obligated to obtain;
  - b. Clearly identify the steps, and their deadlines, that the College and the student need to complete in order to obtain alternative format texts, including clearly designating who is responsible at each step;
  - c. Include the measures the College will take to monitor the timely provision of alternative format texts, as well as the steps it will use to promptly resolve any delays in the provision of alternative text formats that are discovered through such monitoring; and
  - d. Include the steps the College will take, that will not result in an undue financial or administrative burden to the College, nor require it to lower or substantially modify essential requirements, to provide interim academic adjustments in the case of any delays.
3. By June 1, 2014, the College will provide a draft of the revised Accommodations Policy and Alternative Text Plan to OCR for approval.
  4. Within 30 days of OCR's approval of the revised Accommodations Policy, the College will provide to OCR documentary evidence that it has a) posted the revised Accommodations Policy on the College's website in a section readily accessible to applicants, current students and staff, and b) disseminated it to all faculty, staff and current students by memorandum or email.
  5. Within 1 calendar year of OCR approving the Alternative Text Plan, the College will provide to OCR copies of any student requests for alternative text as an academic adjustment, along with documentation showing the College processed these requests according to the approved Alternative Text Plan and the Accommodations Policy.

B. Other Policies/ Procedures

1. By June 1, 2014, the College will submit, for OCR's review and approval:
  - a. *Designation of Responsible Employee (504 Coordinator Designation)*. The College will develop language for its website and relevant policies designating one employee who is responsible for coordinating the College's efforts to comply with Section 504, as required by 34 C.F.R. Section 104.7(a). The College will ensure that this employee is identified consistently across its policies and procedures regarding disability discrimination, specifically its Notice of Non-Discrimination, Grievance Procedures, and Accommodations Policy.
  - b. *Notice of Non Discrimination (Notice)*. The College will revise, for OCR's review and approval, its "NON-DISCRIMINATION" notice (currently provided in the admissions section of its catalog) to comply with the requirements of 34 C.F.R. Section 104.8. Specifically, the revised Notice will:

- i. Apply, in addition to the applicants covered by the current Notice, to participants, beneficiaries, employees, and third parties;
  - ii. State that, in addition to the application process covered by the current Notice, the College does not discriminate on the basis of disability in access to, or treatment or employment in, its program(s) or activity(ies); and
  - iii. Identify the College's Section 504 Coordinator, including the employee's title, telephone number and contact information.
- c. *Grievance Procedures.* The College will revise, for OCR's review and approval, its "Internal Grievance Procedure" (currently in its Catalog) to comply with the requirements of 34 C.F.R. Section 104.7(b) for addressing complaints of disability discrimination. At minimum, the Grievance Procedures will:
  - i. Provide for notice of the grievance procedures to students, parents, employees, and third parties, including notice of where and with whom complaints may be filed;
  - ii. Apply to complaints alleging disability discrimination carried out by employees, other students, or third parties;
  - iii. Provide for the adequate, reliable, and impartial investigation of complaints, including providing the opportunity for presentation of witnesses and other evidence;
  - iv. Designate reasonably prompt timeframes for the major stages of the complaint process;
  - v. Provide for notification to the parties of the outcome of complaints.
  - vi. Provide that, if discrimination or a violation of the College's anti-discrimination policies is found to have occurred, the College will take reasonable steps to eliminate the discrimination or violation, to prevent it from recurring, and to remedy its discriminatory effects on the complainant or other parties, as appropriate.
- d. Within 30 days of OCR's approval of the 504 Coordinator Designation, revised Notice and Grievance Procedures, the College will provide to OCR documentary evidence that it has: a) posted these policies and procedures on the College's website in a section readily accessible to applicants, current students, staff and third parties, and b) disseminated them all to faculty, staff and current students by memorandum or email.

## **II. TRAINING**

- A. By July 1, 2014, the College will provide mandatory training, conducted by OCR staff, for all faculty, staff and/or administrators who are responsible for implementing any of the policies or procedures referenced in this agreement. The training will cover the College's obligations under Section 504 to provide academic adjustments to qualified individuals with a disability, as well as the requirements referenced in the policies and procedures discussed in Paragraph (I)(B).
- B. Within 30 days of providing this training, the College will provide OCR with copies of sign-in sheets that provide the name and title of each participant.

