

Resolution Agreement
OCR Case Number 01-16-2007
River Valley Community College (College)

The College enters into this Agreement to resolve the allegations in the above-referenced complaint. The College assures OCR that it will take the following actions to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Action Item 1:

By **July 15, 2017**, the College will reimburse the Complainant for the tuition and textbook costs for the XXX-PORION OF SENTENCE REDACTED-XXX.

Reporting Requirement 1: By **July 30, 2017**, the College will provide documentation to OCR demonstrating that it has fulfilled this provision.

Action Item 2:

By **August 15, 2017**, the College will ensure documents on its Disability Services webpage, including the “Keys to Accessing Postsecondary Education” document and the frequently asked questions, more specifically describe: the process to be followed when a student with a disability wishes to request academic adjustments and/or auxiliary aids and services; and the respective responsibilities of students, administrators, faculty, staff, and the College’s Student Disabilities Services Office with respect to accommodating students with disabilities.

The College will include the following specific information on documents describing the process for accessing disability services:

- i. That when a request is denied,
 - a. The College will explain the reasons for the denial, in writing, to the student;
 - b. The College will consider whether effective alternatives exist that would allow the individual with a disability to participate without lowering essential requirements or fundamentally altering the nature of the program; and
 - c. 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.
- ii. A clear description of how staff or faculty shall be notified of approved adjustments/auxiliary aids and services.
- iii. The College, through all of its faculty and staff, is obligated to implement approved academic adjustments/auxiliary aids and services.

- iv. That students should report to and work with the Section 504 and Title II Coordinator (Coordinator) about any concerns that may arise with regard to the provision of academic adjustments/auxiliary aids and services, such as whether a professor is not providing an agreed-upon accommodation, or an accommodation is not working;
- v. That the Coordinator (or other staff so identified by the College) will work with the student and faculty to resolve such concerns, including ensuring that agreed-upon academic adjustments/auxiliary aids and services are provided;
- vi. That, pending the resolution of any such concerns, faculty and staff will continue to provide such approved adjustments/aids and services.
- vii. That faculty and staff must report to, and work with, the Coordinator about any concerns that may arise with regard to the provision of academic adjustments/auxiliary aids and services. These inquiries should include clarifying any approved accommodations and how approved accommodations should be implemented, concerns about whether approved accommodations are a fundamental alteration of an essential requirement of the course, and concerns about whether approved accommodations are being provided.

Reporting Requirement 2: By **August 15, 2017**, the College will provide documentation to OCR demonstrating that it has revised and disseminated the materials in Action Item 2. Specifically, the College will provide proof that it has:

- Updated all documents posted on the College website and in other appropriate media, including the College catalog and student and faculty handbooks to reflect adoption of the revised language.
- Updated the frequently asked questions on its Disability Services webpage to reflect adoption of the revised language.
- Circulated links and/or hard copies of these materials to all faculty and staff.

Action Item 3:

The College will provide a professional development workshop to all administrators, faculty and academic and student services staff (including adjunct faculty) during the College's faculty work week in August 2017. The College will record the training and distribute the content of the training to all staff who do not attend, including but not limited to full-time and adjunct faculty and academic and student services staff.

The training will cover the legal obligations of the College under Section 504 and Title II, and shall specifically include:

- a. The College's obligation to provide academic adjustments and aids to students with disabilities.
- b. The College's procedures for students requesting academic adjustments and aids.
- c. The obligations of College faculty and staff to report any concerns that may arise with regard to the provision of academic adjustments and aids, such as:
 - i. understanding an approved accommodation and how it should be implemented;

- ii. concerns about whether an approved accommodation would be a fundamental alteration of an essential requirement of the course; and
- iii. concerns about whether an approved accommodation is being provided.
- d. The identity of the person(s) to whom the faculty and staff shall report such concerns.
- e. The steps that faculty member or instructor or other College staff should take if:
 - i. he/she needs help implementing an accommodation; and/or
 - ii. he/she has reason to believe a student is not receiving his/her approved accommodation.

Reporting Requirement 3: By **October 15, 2017**, the College will submit to OCR documentation demonstrating that the above-described training was delivered in accordance with this Agreement, including:

- i. Agendas, copies of all training materials, and attendance sheets from the trainings. The attendance sheets shall include a typed list of the names and titles for all staff and the signatures of those individuals who participated in the above-described training.
- ii. Documentation of the College's distribution of the recorded training to all faculty and staff.
- iii. The name(s) and qualification(s) of the trainer(s).

Action Item 4:

By **July 30, 2017**, the College will revise its Non-Discrimination Policy to identify the correct address for the Boston Regional Office of the U.S. Department of Education, Office for Civil Rights – Boston Regional Office address, as follows:

U.S. Department of Education
Office for Civil Rights
5 Post Office Square, 8th Floor
Boston, MA 02109-3921

Reporting Requirement 4: By **September 15, 2017**, the College will submit to OCR documentation demonstrating that it has complied with Action Item 4, including links and/or hard copies to all revised materials.

Monitoring

The College understands that by signing this Agreement, it agrees to provide data and other information to OCR in a timely manner in accordance with the reporting requirements of this Agreement. Further, the College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports and/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, at 34 C.F.R. § 104.44, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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.

_____/s/_____
Dr. Ali Rafieymehr
Interim President of the College

_____/7/17/2017_____
Date