

RESOLUTION AGREEMENT
Naugatuck Valley Community College
OCR Complaint Nos. 01-16-2012 and 01-16-2121

The Naugatuck Valley Community College (College) has entered into this agreement to resolve the allegations in the above-referenced complaints. The College assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions.

Action Item 1

The College has designated one Section 504/Title II Coordinator and two Deputy Section 504/Title II Coordinators to coordinate its efforts to comply with and carry out its responsibilities under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), including any investigation of any complaint communicated to it alleging its noncompliance with those laws or alleging any actions that would be prohibited by those laws. The College will provide OCR a detailed description of the responsibilities of these Coordinators to ensure that their responsibilities are consistent with Section 504 and Title II. The responsibilities will include the following:

- a. The Section 504/Title II Coordinator will have expert knowledge of the College's Section 504 and Title II grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or Title II (Section 504/Title II Grievance Procedures).
- b. The Section 504/Title II Coordinator will receive sufficient annual training regarding the requirements of Section 504 and Title II to enable him/her to communicate those requirements to other individuals at the College who may be unaware of their responsibilities and promptly correct any failure by individual employees to comply with those responsibilities.
- c. The Section 504/Title II Coordinator shall oversee and have ultimate responsibility for the College's investigation of, and prompt and equitable response to, all alleged actions that would be prohibited by Section 504 or Title II of which a responsible College employee is, or should be, aware.¹
- d. The Section 504/Title II Coordinator will retain ultimate oversight responsibility for all Deputy Coordinators the College designates to assist the Section 504/Title II Coordinator. The Section 504/Title II Coordinator will also oversee the provision of initial and ongoing training to any Deputy Coordinators and any other individuals from any College department or office delegated the responsibility for receiving and/or investigating alleged acts that would be prohibited by Section 504 or Title II.

¹ A responsible College employee is any College employee who has the authority to take action to redress an alleged violation of Section 504 or Title II, who has the duty to report such an alleged violation to appropriate College officials, or whom a student could reasonably believe has such authority or responsibility.

- e. The Section 504/Title II Coordinator will be responsible for periodic review and assessment of the College's Section 504/Title II Grievance Procedures, and any related policies and procedures, to ensure that they provide an effective resource for students, faculty, and staff.
- f. Neither the Section 504/Title II Coordinator nor any Deputy Coordinators shall have other job responsibilities that create a conflict of interest with regard to their duties and responsibilities under Section 504 and Title II.
- g. The Section 504/Title II Coordinator will coordinate with appropriate administrators and student services personnel, including but not limited to the College's Office of Disability Services (ODS), to identify and address any patterns or systemic problems relating to the College's compliance with Section 504 and Title II.
- h. The Section 504/Title II Coordinator will annually review all alleged acts that would be prohibited by Section 504 or Title II of which a responsible employee is aware in order to identify and address any patterns or systemic problems; whether any individuals or organizations engaged in repeated misconduct; whether there are any patterns of barriers to reporting for any group; and/or if reports were not processed promptly and equitably in compliance with the College's Section 504/Title II Grievance Procedures.

Reporting Requirements:

1. By **January 25, 2019**, the College will provide for OCR review and approval:
 - i. a copy of the notification required by 34 C.F.R. § 104.8(a) and 28 C.F.R. § 35.107(a) containing, at minimum, the name, office address, and telephone number of the College's Section 504/Title II Coordinator and Deputy Coordinators identified pursuant to Action Item 1, above;
 - ii. a statement regarding where this notification is prominently posted, including the URL(s) for any electronic posting of the notification; and
 - iii. a copy of the Section 504/Title II Coordinator's and Deputy Coordinators' responsibilities and corresponding training requirements.
2. Within 60 calendar days of OCR's approval, the College will provide OCR documentation substantiating that the College implemented and distributed the revised Section 504/Title II Coordinator's and Deputy Coordinators' responsibilities to the Section 504/Title II Coordinator and Deputy Coordinators.

Action Item 2

By **December 21, 2018**, the College will complete its revision of its "Guidelines for Note Takers" and any other College publications requiring students with disabilities to find their own note takers or coordinate with a note taker once he or she has been identified to remove these requirements. Within 15 calendar days of the date that OCR approves the College's revised

“Guidelines for Note Takers,” the College will prominently post this document and the version of its “Guide for Students with Disabilities” approved by OCR on the College’s “Disability Services” website,² and it will replace any prior paper or electronic versions of these publications with the revised versions.

Reporting Requirements:

1. By **January 7, 2019**, the College will provide the revised versions of all publications referenced in Action Item 2, above, to OCR.
2. Within 15 calendar days of the date that OCR approves the revised versions of all publications referenced in Action Item 2, above, the College will provide to OCR:
 - i. the URL(s) where the revised publications are posted; and
 - ii. a list of College publications in which the College has replaced any prior versions with a revised version pursuant to Action Item 2.

Action Item 3

Within 45 calendar days of the date that OCR approves the revised versions of all publications referenced in Action Item 2, above, the College will conduct training for the Section 504/Title II Coordinator, all Deputy Coordinator(s), and all ODS staff on the revisions to these publications, including where the publications can be accessed.

Reporting Requirement:

Within 10 calendar days of the training specified in Action Item 3, the College will provide documentation to OCR demonstrating that it provided the specified training. This documentation will include at minimum: the date(s) of the training; the name(s) and credentials of the trainer(s); sign-in sheets; a list of the individuals who attended the training and their titles or positions; and copies of any training materials used during the training.

Action Item 4

By **December 6, 2018**, the College will send the Complainant a written notice offering to revise her College transcript by changing the grade notations for her XXXXXXXXXXXX course and all courses in which she was enrolled during the XXXXXX to “W” (withdrawal), and recalculating her cumulative grade point average without these courses. The College will enclose a check with the aforementioned written notice refunding the Complainant 100 percent of the total tuition, lab/studio fees, and extension account fees expenses related to her XXXXXXXX XXXXXXXX course and XXXXXXXX courses.

Reporting Requirements:

² <https://nv.edu/student-resources/academic-support-resources/disability-services>.

By **December 26, 2018**, the College will provide to OCR:

1. the written notice sent to the Complainant containing the information specified in Action Item 4;
2. an accounting of how the College arrived at the amount due in Action Item 4; and
3. proof that the College paid the Complainant as specified in Action Item 4.

Action Item 5

- a. Within 60 calendar days of the date that OCR approves the revised versions of the publications referenced in Action Item 2, above, the College will identify each student with a disability whom the College authorized to receive notetaking assistance as a necessary academic adjustment or auxiliary aid or service, excluding the Complainant, since December 2011, and send each such student a written notice (in either paper or electronic form) including the following information:
 - i. a statement that the College has revised its policies and procedures to no longer require individuals with disabilities to obtain their own note takers in class;
 - ii. the URL(s) where the revised “Guidelines for Note Takers” and “Guide for Students with Disabilities” are prominently posted;
 - iii. an invitation for the student to meet at a mutually agreeable date and time, either in person or telephonically, with the Section 504/Title II Coordinator and ODS staff to request any individual remedies that the student believes are appropriate relating to the College’s requirement that the student obtain his/her own note taker in class and to provide any additional information in support of the student’s requested remedies; and
 - iv. a statement that the Section 504/Title II Coordinator must receive the student’s response to the invitation within 60 calendar days from the date of the written notice, and that any meeting scheduled pursuant to the invitation must occur within 120 calendar days of the written notice.
- b. The Section 504/Title II Coordinator and ODS staff will meet with any student who accepts the College’s invitation as specified in Action Item 5(a), above, consider the student’s requested remedies and any information the student provides in support of his/her request, review any records in the College’s possession relevant to the College’s provision of note taking services to the student and the student’s requested remedies, and determine whether to grant the student’s request for remedies in whole or in part or take any other action with respect to the student.
- c. Within 10 calendar days of any meeting convened pursuant to Action Item 5(b), above, the Section 504/Title II Coordinator will send the relevant student written notice of any

determination made by the College pursuant to Action Item 5(b), including the rationale for such determination.

Reporting Requirements:

Within 75 calendar days of the date that OCR approves the revised versions of the publications referenced in Action Item 2, above, the College will provide to OCR:

1. a list of all students with disabilities whom the College authorized to receive notetaking assistance as a necessary academic adjustment or auxiliary aid or service, excluding the Complainant, since December 2011; and
2. all written notices that the College sent to students pursuant to Action Item 5(a).

Within 200 calendar days of the date that OCR approves the revised versions of the publications referenced in Action Item 2, above, the College will provide to OCR:

3. minutes of all meetings convened pursuant to Action Item 5(b);
4. all documentation provided to the College by students as specified in Action Item 5(b);
5. any additional documentation that the College relied upon in reaching any determinations relating to such students' requests; and
6. all written notices that the College sent to students pursuant to Action Item 5(c).

General Requirements

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the 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 or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement. Upon the College's satisfaction of the commitments made under the Agreement, OCR will close the 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 sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the College's representative below.

By: /s/ Daisy Cocco De Filippis
President or Designee

Date: 11/20/18