

RESOLUTION AGREEMENT
Lasell College (College)
OCR Complaint No. 01-17-2014

Lasell College (College) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. The College assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). This resolution does not constitute an admission that the College is not in compliance with Section 504 or its implementing regulations. Prior to the completion of OCR's investigation, the College agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions.

Individual Remedies

Action Item 1: By June 1, 2018, the College will reimburse the Complainant in the amount of \$2,000.

Reporting Requirement 1: By June 15, 2018, the College will provide documentation to OCR demonstrating that it has fulfilled this provision.

Policies and Procedures

Action Item 2

By June 1, 2018, the College will revise relevant documents, policies, and related web pages to describe the process to be followed in approving and implementing accommodations relating to dining services. Specifically, the process will include the following:

1. The College will advise students with food allergies, celiac disease, or other disability requiring a special diet who are requesting reasonable modifications to contact Disability Services and will explain the forms and documentation required for requesting accommodations. The documents and policies will contain contact information for students and prospective students seeking accommodations.
2. The College will designate administrators and/or staff from Disability Services and Dining Services who will meet individually with the eligible student and work with the student cooperatively to fashion an individual plan for the student.
3. Disability Services will then provide written documentation of the individual food modification plan to the student.
4. In determining modifications, the College may offer students the option to pre-order their meals according to an established procedure; the College may also consider related housing accommodations. The College will ensure that modifications are provided in the most integrated setting appropriate to the person's needs. 34 CFR 104.4(b)(2). Depending on the individual circumstances, if there are no other accommodations identified after engaging in the interactive process, the College may allow students to be exempt from the mandatory meal plan as a possible form of a reasonable modification.

5. The College will cross-reference or provide a link to the College's Section 504 grievance procedures.

Reporting Requirement 2: By June 15, 2018, the College will submit its revised documents and/or proposed language for its documents, policies, and websites to OCR for review and approval.

Within 30 days of OCR's approval, the College will submit proof to OCR that it has taken the necessary steps to implement any revisions to documents, policies, and webpages describing the process for seeking accommodations related to food allergies to reflect adoption of the revised language.

Action Item 3

By June 1, 2018, the College will develop a written procedure for a pre-order option that may be considered as part of a student's food modification plan. The procedure shall set reasonable time frames and assurances that the food service provider will prepare all meals made without specific allergens or gluten in a designated area within the College's cooking and food preparation areas in order to avoid cross-contamination.

Reporting Requirement 3: By June 15, 2018, the College will submit its written procedure for a pre-order option that may be considered as an option according to a student's food modification plan.

Within 30 days of OCR's approval, the College will provide OCR with documentation that it has taken the necessary steps to implement the document and circulate the procedure by email to appropriate staff in the College's disability services and dining services offices.

Action Item 4

The College has represented and provided documentation that it has instituted a station (FAZE8) that prepares food free from certain allergens and gluten; further, that certain food items may be prepared separately, such as gluten-free pizza, pasta, eggs, and burgers; and the food service provider had planned the use of a designated fryolater for foods without gluten. The College has also represented and provided documentation that it has provided a separate area to store and prepare food for students with food allergies; the area provides a variety of gluten-free foods, cereals, snacks, breads, and prepared pasta without gluten.

Consistent with these practices, the College will:

1. Provide meals made without specific allergens or gluten to students who have appropriately identified themselves to the College as having special dietary needs and the College has determined needs reasonable modifications to the dining services. The food will also be of comparable variety and be nutritionally comparable to the food choices offered to other students, to the extent reasonably possible.

2. Maintain and stock the dedicated allergen and gluten-free area and ensure that it contains the following: a refrigerator and freezer for perishable items; and separate appliances, including a microwave and a toaster.

Reporting Requirement 4: By June 15, 2018, for the spring semester of the 2017-2018 academic year, the College will provide OCR with:

- a. Documentation that meals made without specific allergens or gluten were provided to students who have identified themselves as having special dietary needs. Documentation will include:
 - a. A list of students identified by name or unique identifier;
 - b. The type of accommodation requested;
 - c. Documentation of each student's use of dining services.
- b. Documentation that the designated station and other stations at dining services provided meals free from allergens identified by the College and gluten.
- c. Documentation demonstrating that the College has continued to maintain the designated area for storing and preparing food for students with food allergies. Documentation will include: photographs of the area, including signage indicating that the area is specially designated, and documentation of the foods free from identified allergens and gluten that are stored in the designated refrigerator.

Training

Action Item 5

By September 1, 2018, the College will provide training for its staff responsible for deciding and implementing food-related accommodations, including Disability Services staff, dining services staff and administrators.

1. The College will provide training for disability services staff and dining services administrators, managers, and relevant staff members on:
 - a. Section 504's prohibition against discrimination on the basis of disability, including disabilities related to food allergies and celiac disease;
 - b. The College's obligation to ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any postsecondary education aid, benefits, or services; and
 - c. The College's updated procedures from Action Items 2 and 3 for students requesting accommodations related to food allergies or celiac disease.
2. The College will ensure educational training is provided to all food service staff, which will include the following:
 - a. Instruction on celiac disease and food allergies, including food products that contain allergens, cross-contamination, and proper food storage and preparation;
 - b. Instruction on how to handle inquiries regarding food allergies, including questions regarding ingredients and sub-ingredients in the meals;
 - c. Instruction for managers of the procedure for students seeking disability-related modifications through Disability Services.

