



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

8TH FLOOR, 5 POST OFFICE SQUARE
BOSTON, MA 02109-3921

REGION I

CONNECTICUT
MAINE
MASSACHUSETTS
NEW HAMPSHIRE
RHODE ISLAND
VERMONT

June 29, 2023

Dr. Lori Collins-Hall

By email: president@sterlingcollege.edu

Re: Complaint No. 01-22-2176
Sterling College

Dear Interim President Collins-Hall:

This letter is to advise you of the outcome of the U.S. Department of Education, Office for Civil Rights (OCR) investigation of Sterling College (College). OCR opened an investigation after receiving a complaint alleging that the College discriminates against students on the basis of disability. As explained further below, before OCR completed its investigation, the College expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the College receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Section 504.

OCR opened the following issues for investigation:

1. Whether the College failed to designate at least one person to coordinate its efforts to comply with Section 504, in violation of 34 C.F.R. Section 104.7(a).
2. Whether the College failed to adopt and publish grievance procedures that provide for the prompt and equitable response to complaints of disability discrimination, in violation of 34 C.F.R. Section 104.7(b).
3. Whether the College failed to disseminate an adequate notice of nondiscrimination pursuant to Section 504, in violation of 34 C.F.R. Section 104.8.

Issue 1: Section 504 Coordinator

Legal Standard

The Section 504 regulation, at 34 C.F.R. Section 104.7(a), requires each recipient that employs 15 or more persons to designate at least one person to coordinate its efforts to comply with Section 504.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Findings of Fact

Sterling College is a small, private college located in rural Vermont with an ecological focus. According to the College, it employs approximately 50 persons and enrolls approximately 100 students.

a. 2021-2022 Academic Year

The College reported that it had a designated Section 504 Coordinator for the 2021-2022 academic year (Section 504 Coordinator).¹ The Section 504 Coordinator was also the XXXX and a faculty member in XXXXX. The Section 504 Coordinator’s faculty profile listed his role solely as “XXXX.” The Section 504 Coordinator has a XXXXX degree in XXXX and XXXXX XXXX with a specialization in XXXXX XXXXX. He assumed the role of Section 504 Coordinator in July 2021. Training for the position included onboarding and support by the previous Section 504 Coordinator, with whom he overlapped for one month, along with “some reading and webinars.”

OCR asked the College to describe the Section 504 Coordinator’s responsibilities as they pertain to Section 504. The College listed the following responsibilities: (1) coordination and oversight of the academic learning support program; (2) discuss learning supports with prospective students and new students; (3) facilitate learning support workshops with faculty advisors; (4) support students’ learning and development, including processing requests for “individualized academic support plans,” such as student accommodations and documentation; (5) coordinate off-site tutors; and (6) participate in the Student Engagement Committee.

The College reported that it informs students about the Section 504 Coordinator through its “Admissions Communication Plan,” direct outreach from the Section 504 Coordinator, the Student Handbook, and the College’s website.

The College produced a copy of its Admissions Communication Plan for the 2021-2022 academic year, which is an email to new students introducing four administrators. The Section 504 Coordinator was introduced as the Director of Learning Support and there was no reference in the email to his role as the Section 504 Coordinator. Students were advised to contact him about “learning challenges, disabilities, or accommodations.”

According to the College, the Section 504 Coordinator directly engaged with students by emailing them “a general introduction of himself as Director of Learning Support,” presenting on learning supports during orientation, and meeting with those seeking academic adjustments. The Section 504 Coordinator also emailed faculty members to notify them of his role as Director of Learning Support as of July 2021. Neither email referenced his role as Section 504 Coordinator.

OCR reviewed the 2021-2022 Student Handbook² for information about the Section 504 Coordinator. The Student Handbook mentioned Section 504 on two pages, but neither page

¹ The Section 504 Coordinator no longer served in this role for the 2022-2023 academic year but remains a faculty member at the College.

² Revised in February 2022.

identified the Section 504 Coordinator nor provided his contact information. The Student Handbook did, however, include sections titled “Learning Accommodations” and “Learning Support,” which directed students seeking academic adjustments to the Director of Learning Support.

OCR also reviewed the College’s website during the course of its investigation and did not locate other information about the Section 504 Coordinator prior to May 2023.

b. 2022-2023 Academic Year

The 2022-2023 Student Handbook states that the College appointed an interim Section 504 Coordinator (Interim Section 504 Coordinator) to serve as the Section 504 Coordinator for the start of the academic year until the position has been filled. The Interim Section 504 Coordinator’s faculty profile on the College’s website only listed her position as the XXXX XXXX XX XXXXX XXXXX. The Interim Section 504 Coordinator has a XX and XXX in XXXXX XX XXX XXX.

Beginning in May 2023, the College appointed a permanent Section 504 Coordinator. The College’s website and other publications identify this employee as its Section 504 Coordinator, and its website further states that concerns about discrimination on the basis of disability may be raised to the Section 504 Coordinator and specifies the role, responsibilities, and training requirements for its Section 504 Coordinator. The Section 504 Coordinator’s responsibilities include, among other things: knowledge of the College’s Accessibility and Accommodation Policy and its Section 504 grievance procedures; participating in annual training and offering training and tutorials to employees; serving as a resource for College employees on their Section 504 responsibilities; addressing and correcting any employee’s failure to comply with Section 504 and/or the College’s Accessibility and Accommodation Policy; annually reviewing all alleged actions that would be prohibited by Section 504 to identify any patterns or systemic problems and whether there are barriers to reporting; and overseeing and having ultimate responsibility for the College’s investigation of, and prompt and equitable response to, all alleged actions that would be prohibited by Section 504.

Analysis

OCR has a concern that the designated Section 504 Coordinator for the 2021-2022 academic year was neither identified nor known as such within the College’s community, that he may not have had sufficient training to coordinate the College’s Section 504 compliance, and that the scope of his position did not cover the full range of the College’s Section 504 responsibilities.

None of the materials reviewed by OCR for the 2021-2022 academic year, including the College’s website, Student Handbook, policies and procedures, and email communications, stated that the College had a Section 504 Coordinator or had designated a specific person to this role. This included the College’s notice of nondiscrimination, which as discussed below, did not clearly identify the Section 504 Coordinator.

OCR also has a concern about whether the Section 504 Coordinator had sufficient training to coordinate the College's efforts to comply with and carry out its responsibilities under Section 504. Here, the College reported that when the Section 504 Coordinator was onboarded in July 2021, he engaged in several weeks of professional development, which included transitional discussions with his predecessor, reading, and completing webinars. In addition, the Section 504 Coordinator's background and credentials as listed on his faculty profile page do not reflect experience with the responsibilities of a Section 504 Coordinator.

Finally, OCR is concerned that, prior to May 2023, the Section 504 Coordinator's responsibilities did not cover the full scope of Section 504 compliance. When asked to identify the Section 504 Coordinator's responsibilities for the 2021-2022 academic year, the College listed a number of items primarily relating to educating students and faculty about academic adjustments and processing such requests. While these are important aspects of a Section 504 Coordinator's role, the list does not include other responsibilities necessary to ensure the College's compliance with Section 504. OCR does not have information to determine whether these responsibilities shifted during the Interim Section 504 Coordinator's tenure in the 2022-2023 academic year.

OCR notes that, as of May 2023, the College appointed a permanent Section 504 Coordinator, identifies the Section 504 Coordinator as such on its website and other published materials, and has ensured the Section 504 Coordinator's responsibilities align with Section 504 requirements.

Issue 2: Grievance Procedures

Legal Standard

The Section 504 regulation, at 34 C.F.R. Section 104.7(b), requires colleges that employ 15 or more people to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints of Section 504 violations.

OCR considers a number of factors in evaluating whether a recipient's grievance procedures comply with the requirements of Section 504, including whether the procedures provide for the following: notice of the procedures to students, parents, and employees, including where to file complaints; application of the procedures to complaints alleging discrimination by employees, other students, or third parties; adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; designated and reasonably prompt timeframes for major stages of the complaint process; notice to the parties of the outcome of the complaint; and an assurance that steps will be taken to prevent recurrence of any discrimination and to correct its effects.

Findings of Fact

The College states that its grievance procedures for disability-related complaints are outlined in the Student Handbook. The College's Student Handbook is available on its website and is also distributed to students via email and linked in its weekly e-newsletter. The College's data response included excerpted language from a student handbook that was in place for an

unspecified duration during the 2021-2022 academic year. OCR also reviewed the Student Handbooks available on the College’s website for the 2021-2022 academic year (revised in February 2022; hereinafter “Spring 2022 Student Handbook”) and the 2022-2023 academic year in their entirety.

a. 2021-2022 Student Handbooks

i. Problem-Solving Procedures

When asked to produce its grievance procedures for disability-related complaints, the College provided an excerpt from the undated student handbook titled “Problem-Solving Procedures.” These procedures are identical to those published in the Spring 2022 Student Handbook. The procedures state that they are applicable to situations in which students “may feel that they have been treated unfairly or that an error has been made in the interpretation or application of a policy.” Students are first advised to try and resolve matters themselves “[w]hen appropriate” by bringing their concerns directly to the person with whom they have a conflict. If “informal help” is needed in this action, students are directed to contact their advisor. If the matter remains unresolved, students are then advised to contact a dean who “should respond promptly” or the Senior Vice President and Chief Operating Officer (if the complaint is against the dean).

ii. Community Accountability Policy 2021-2022

Although not labeled as such in the College’s narrative response, OCR also identified the College’s “Community Accountability” policy (Community Accountability Policy 2021-2022) in the Spring 2022 Student Handbook as potentially applicable to complaints of Section 504 violations. The Community Accountability Policy 2021-2022 outlines the process for addressing alleged violations of “community behavior guidelines.” It states that the Dean of Community’s Office will investigate allegations of violations of community behavior guidelines reported through a “Community Accountability Report” and/or a “College Incident Report,” which may result in a variety of sanctions. Students and administrators may request the use of a Council or the Community Care Task Force if there are questions of fact or if the allegations present significant concerns for the entire community; however, issues of sexual assault, harassment, discrimination, and violations of community contracts cannot be heard by the Community Care Task Force.

iii. Other

In its narrative response, the College noted that students and faculty may also raise concerns at weekly Community Meetings. If students believe their concerns have not been addressed at a meeting, the students may elevate those concerns “to the level of the President with an email or meeting request as reflected in the Problem-Solving Procedures.”

The College’s undated student handbook states that students, faculty, and staff may report concerns of prohibited discrimination and harassment to government agencies, including OCR. In the Spring 2022 Student Handbook, the College provided contact information for external state and federal agencies, including OCR, although that information is embedded in its Sexual

Misconduct Policy. In addition, the College’s Anti-Harassment & Discrimination Policy states that all community members have the right to pursue discrimination and harassment complaints with local, state, or federal enforcement agencies regardless of whether they file a complaint under this policy. The Anti-Harassment/Discrimination Policy applies to disability-related harassment, but it does not explain how to file complaints under the policy.

b. 2022-2023 Student Handbook³

i. Institutional Problem-Solving Through Direct Communication

The College revised its “Problem-Solving Procedures” in the 2022-2023 Student Handbook, now referring to the process as “Institutional Problem-Solving Through Direct Communication.” The revised procedures include the same introductory language as the 2021-2022 Student Handbook regarding their applicability to situations in which students believe they have been treated unfairly or a policy has been misinterpreted or misapplied.

Under the “Institutional Problem-Solving Through Direct Communication” procedures, students are directed to bring their concerns “directly to the person in conflict to try to resolve the situation,” and may request informal help from their advisor, a dean, or a community advisor in doing so. The College removed language from the 2021-2022 Student Handbook stating that these direct communications should only be undertaken “[w]here appropriate.” If the discussion fails to resolve the concern, students may elevate the matter to a dean, who will “respond promptly to acknowledge the concern, typically within 3 business days.”

If informal resolution is unsuccessful, students may then initiate the formal grievance process by submitting a “grievance letter” outlining their concerns, attempts at informal resolution, and desired remedy. The grievance letter should be filed with specified personnel based on the subject matter of the grievance. Formal complaints will be acknowledged in writing within three business days, and an “initial meeting to outline next steps” will be scheduled within five business days. The procedures also provide appeal rights to students who are dissatisfied with the outcome and the decision on the appeal is final.

ii. Community Accountability Policy 2022-2023

The Community Accountability Policy 2022-2023 outlines the same process as the Community Accountability Policy 2021-2022. The Dean of Community’s Office will investigate allegations of violations of community behavior guidelines, with the option to request engagement by a Council or Community Care Task Force for matters not involving sexual assault, harassment, discrimination, and violations of community review contracts. The 2022-2023 policy clarifies that these reports should be directed immediately to the Title IX Coordinator. Reports of “discrimination and bias” should be made by filing a Community

³ The College began revising its Section 504 grievance procedures during the 2022-2023 school year. The revised Section 504 grievance procedures include, among other things: designated timeframes throughout the resolution process; the opportunity to provide witnesses and other relevant evidence; notice to the parties of the outcome and basis for the decision; and an assurance that if discrimination is found, the College will take steps to stop the discrimination, prevent recurrence, and remedy discriminatory effects on the complainant and others, as appropriate.

Accountability Report. The Community Accountability Report is an online form for “communicating concerns that negatively impact individuals or the community.” The Community Accountability Report is received by the Dean of Community and the Interim President “and directed to appropriate parties as necessary.”

iii. Problem Solving, Grievance Procedures, & Disability Accommodation

In the 2022-2023 Student Handbook, the College added a section titled “Problem Solving, Grievance Procedures, & Disability Accommodation” under its Accessibility Policy (Accessibility Grievance Procedures). The policy states that “[s]tudents who are concerned that they have been denied equal access as described in Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990 and do not agree with an approved or denied accommodation are encouraged to follow the processes outlined below for a prompt and equitable resolution of disputes relating to disability accommodations.”

The processes, as described, include informal and formal tracks. “When possible,” students are “encouraged” to first address their concerns with the individual involved in the situation. Students who are not satisfied with the resolution at the informal level may file a formal written grievance using the process described in the “Institutional Problem-Solving Through Direct Communication” section of the Student Handbook, discussed above.

Analysis

OCR identified a number of concerns about the College’s grievance procedures for complaints of Section 504 violations for academic years 2021-2022 and 2022-2023 based on the evidence reviewed to date, although OCR notes that throughout the course of its investigation, the College revised its grievance procedures to address OCR’s concerns.

As an overarching concern, the College’s grievance procedures overlap and thus do not clarify which process should be followed. For the 2021-2022 academic year, the College identified its Problem-Solving Procedures as its Section 504 grievance procedures; however, OCR also identified the Community Accountability Policy 2021-2022 in the Spring 2022 Student Handbook as potentially applicable to Section 504 grievances. The Problem-Solving Procedures apply to situations in which students allege they have been treated unfairly or a policy has been misinterpreted or misapplied. The Community Accountability Policy 2021-2022 applies to allegations of community guideline violations. Either procedure could thus address a number of Section 504 concerns, such as discrimination or bias.

For the 2022-2023 academic year, OCR identified three procedures that could ostensibly apply to Section 504 grievances: Institutional Problem-Solving Through Direct Communication, Community Accountability Policy 2022-2023, and Accessibility Grievance Procedures. While the Community Accountability Policy 2022-2023 states that allegations of bias and discrimination may be filed through a Community Accountability Report, those allegations could also fall under the purview of the Institutional Problem-Solving Through Direct Communication policy (allegations concerning disability-based mistreatment or misinterpretation/misapplication of a disability policy could constitute disability discrimination under Section 504) or the

Accessibility Grievance Procedures (allegations concerning a failure to implement approved academic adjustments or disagreement with what academic adjustments should be provided could also constitute disability discrimination under Section 504). While the College is not required to develop and publish a separate grievance procedure for disability-related complaints, OCR has concerns that the policies and procedures in place are so intertwined that it makes it difficult for community members to understand their rights and the College’s obligations under Section 504.

OCR also has several other concerns about the College’s grievance procedures. First, it is not clear whether the College provided notice of its grievance procedures to all required persons (students and employees), including where to file complaints. While students receive notice via the Student Handbook, it is unknown whether, and if so how, such notice is provided to employees. Additionally, due to the overlapping procedures described above, it may be difficult to discern which procedure should be followed and thus where the complaint should be filed.

Second, none of the procedures reviewed specify that they are applicable to complaints alleging discrimination carried out by employees, other students, or third parties. Some of these procedures suggest they only apply to a subset of these individuals, such as Institutional Problem-Solving Through Direct Communication, which is available to assist students in reaching a resolution “between the student and the College.” While there may be different procedures for different types of complaints, it is unclear whether any apply to situations involving discrimination by a third party.

Third, the College’s procedures do not state that parties will have the opportunity to present witnesses and other evidence, or that they will receive notice of the outcome of the complaint. For the 2021-2022 academic year, neither the Problem-Solving Procedures nor the Community Accountability Policy 2021-2022 explain with specificity how the College will respond to complaints to ensure an adequate, reliable, and impartial investigation. Specifically, the Problem-Solving Procedures do not explain the investigative process (only that a dean “should respond promptly”), and the Community Accountability Policy 2021-2022 provides only that the Dean of Community Office will conduct an investigation. For the 2022-2023 academic year, the Institutional Problem-Solving Through Direct Communication procedures state that upon submission of a formal grievance, “an initial meeting to outline next steps will be scheduled”; however, there is no description of what those next steps might entail, such as conducting an investigation.⁴ The Community Accountability Policy 2022-2023 also does not describe the investigative process.

Fourth, the procedures lack designated timeframes providing for the prompt resolution of complaints. For the 2021-2022 academic year, the Problem-Solving Procedures state only that a dean “should respond promptly” if the matter cannot be resolved informally, and the Community Accountability Policy 2021-2022 makes no mention of designated timeframes. For the 2022-2023 academic year, the Institutional Problem-Solving Through Direct Communication procedures provide that the College will schedule an initial meeting to discuss next steps within five business days but includes no other timeframes for resolution following the initial meeting.

⁴ The College uses its formal problem-solving process (as set forth in the Institutional Problem-Solving Through Direct Communication procedures) to resolve formal grievances under the Accessibility Grievance Procedures.

The Community Accountability Policy 2022-2023 also does not denote timeframes for any part of the resolution process.

Finally, OCR has a concern that students are either strongly encouraged (Problem-Solving Procedures) or required (Institutional Problem Solving Through Direct Communication; Accessibility Grievance Procedures) to first try and resolve their complaint directly with the individual whom they allege engaged in discrimination. OCR is concerned that such an emphasis/mandate might create a chilling effect and deter community members from seeking assistance.

As noted above, throughout OCR’s investigation, the College revised its Section 504 grievance procedures in order to remedy the concerns addressed above.

Issue 3: Notice of Nondiscrimination

Legal Standard

The regulation implementing Section 504, at 34 C.F.R. Section 104.8(a), requires that a recipient take appropriate steps to notify participants, beneficiaries, applicants, employees, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate in admission or access to, or treatment or employment in, its program or activity on the basis of disability; and, this notice should also include the identity of its designated coordinator(s). The regulation implementing Section 504, at 34 C.F.R. Section 104.8(b), requires that a recipient publish this notice of non-discrimination in any recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees.

Findings of Fact

The College reported that its notice of nondiscrimination is published in its Student Handbook. The College did not identify with specificity where the notice of nondiscrimination is located within the Student Handbook. OCR therefore reviewed the College’s data response, which included excerpted language from the undated student handbook, as well as the Spring 2022 and 2022-2023 Student Handbooks available on the College’s website.

- a. 2021-2022 Academic Year
 - i. Undated Student Handbook

In its data response, the College asserted that the following language was published in its Student Handbook:

Sterling College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities . . . against

qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law.

The notice also specified that persons with questions about the scope of the protections should contact Human Resources, who may consult with the President and Dean of Community.

ii. Spring 2022 Student Handbook

The Spring 2022 Student Handbook does not include the above language from the undated student handbook.⁵

OCR identified two policies in the Spring 2022 Student Handbook that include a statement of nondiscrimination: the Sexual Misconduct Policy and the Anti-Discrimination and Harassment Policy. The Sexual Misconduct Policy, while focusing primarily on sex-based discrimination, does include the following language:

Sterling also prohibits other forms of discrimination and harassment, including discrimination and harassment on the basis of race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law.

The Sexual Misconduct Policy also includes the Title IX Coordinator’s contact information and notes that the Title IX Coordinator oversees the College’s investigation, response, and resolution of reports made under this policy.

The College’s Anti-Discrimination and Harassment Policy states, in relevant part:

Discrimination and harassment, including related retaliation, as defined by applicable law and the corresponding terms of this policy [which includes discrimination based on qualified disability], are antithetical to Sterling’s mission. . . . Sterling strictly prohibits conduct that constitutes unlawful discrimination and harassment. . . . This Anti-Harassment/Discrimination Policy applies to faculty, staff, and students, as well as to other who participate in all Sterling programs and activities[.]

b. 2022-2023 Student Handbook

The 2022-2023 Student Handbook includes the language cited above from the Spring 2022 Handbook as well as a new “Accessibility, Disability, and Reasonable Accommodation Policy” (Accessibility Policy). The Accessibility Policy states⁶:

⁵ <https://www.sterlingcollege.edu/wp-content/uploads/2022/02/Student-Handbook-for-Spring-2022-FINAL.pdf> (last visited June 28, 2023).

⁶ The 2021-2022 Student Handbook also included a section titled “Americans with Disabilities Act (ADA), which noted that the ADA and Section 504 prohibit discrimination on the basis of disability; however, this language was removed from the 2022-2023 Student Handbook.

Sterling College follows all the applicable provisions of state and federal law which prohibit discrimination on the basis of . . . disability . . . (as well as laws that prohibit retaliation against any person who exercises rights under these laws, such as complaining of discrimination) in the administration of its educational, admissions, financial aid, and employment policies and programs. Sterling College reiterates its specific commitment to:

- Ensuring students are not subjected to discrimination or harassment due to a documented disability;
- Ensuring students are not subjected to a hostile environment relating to a documented disability; and
- Providing reasonable accommodations for students with documented disabilities as required by law.

The policy then describes the process for documenting a disability and requesting academic adjustments, the standard for review of such requests, and the role of the College’s Accommodation & Accessibility Team in both reviewing academic adjustment requests and working toward broader accessibility goals. It notes that any questions about disability-related issues that are not addressed in the policy should be directed to the College’s Section 504 Coordinator and provides the Interim Section 504 Coordinator’s name and email address.

c. May 2023 Notice of Nondiscrimination

In May 2023, the College revised its Notice of Nondiscrimination, now entitled “Sterling College Non-Discrimination Statement.” This Notice of Nondiscrimination similarly states that the College does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities. Additionally, the Notice of Nondiscrimination refers individuals with concerns about discrimination on the basis of disability to its permanent Section 504 Coordinator (including contact information) and cross-references its Section 504 grievance procedures and Accessibility Policy.

Analysis

OCR identified several areas of concern as it pertains to the College’s Notice of Nondiscrimination for the 2021-2022 academic year. During that time period, neither the Sexual Misconduct Policy nor the Anti-Discrimination and Harassment Policy stated that the College does not discriminate in admission or access to, or treatment or employment in, its program or activities. While an excerpt from the undated student handbook included in the College’s data response does state that the College will not discriminate in admission or access to, or employment in, its program or activities, it does not include a nondiscrimination clause pertaining to treatment in its program or activities. Moreover, none of the policies identified the designated Section 504 Coordinator or provided his contact information.

The College was responsive to the concerns identified by OCR during its investigation, and worked to remedy these concerns in the 2022-2023 academic year through the publishing of its Accessibility Policy and Sterling College Non-Discrimination Statement, which note that the College does not discriminate on the basis of disability in admission or access to or treatment or

employment in its programs and activities, identify the Section 504 Coordinator, and provide the Coordinator's contact information.

Conclusion

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the College expressed an interest in resolving this complaint and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the College resulted in the College signing the enclosed Agreement which, when fully implemented, will address all of the allegations raised in the complaint.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

Sincerely,

/s/

Adrienne M. Mundy-Shepard
Chief Attorney

Enclosure

cc: Jeffrey Nolan, Esq.