

RESOLUTION AGREEMENT

Hudson Valley Community College OCR Case No. 02-15-2325

In order to resolve the compliance issues identified in Case No. 02-15-2325, Hudson Valley Community College (the College) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By November 30, 2015, the College will expunge the complainant's failing grade in XXXXXXXXXX I (the Course) from the spring 2015 semester, and offer the complainant in writing the opportunity to retake the Course at no charge. The College will provide the complainant with a minimum of 30 calendar days to respond to the offer to retake the Course. The complainant will be afforded the opportunity to retake the Course during the spring 2016 semester or spring 2017 semester when the Course is offered. For the remainder of the complainant's enrollment at the College, the College will ensure that the complainant receives his approved academic adjustment(s) and/or auxiliary aid(s).

Reporting Requirement:

1. By December 31, 2015, the College will provide documentation to OCR demonstrating that it has expunged the complainant's failing grade in the Course; offered the complainant, in writing, an opportunity to retake the Course at no charge; and the complainant's response to the offer to retake the course, if any.
2. Within 30 days after the end of the spring 2016 semester, the College will provide written documentation to OCR demonstrating that the complainant received the approved academic adjustment(s) and/or auxiliary aid(s) for any courses the complainant took during that semester.

Action Item 2:

By January 31, 2016, the College will provide training to all administrators, faculty, and staff at the College responsible for processing requests and/or providing academic adjustments and/or auxiliary aids for students with disabilities, within the Center for Access and Assistive Technology (CAAT), the Center for Effective Teaching (CET); and, to all teaching faculty within the Mortuary Sciences Department. The training will include a discussion of the College's obligation to provide qualified individuals with disabilities with any academic adjustments and/or auxiliary aids, in accordance with the regulations implementing Section 504;

and the College's process for reviewing and responding to requests for academic adjustments and/or auxiliary aids. Special emphasis will be given to the requirement that faculty using the "Blackboard" program to administer online quizzes and/or examinations should contact the CAAT for information and/or technical assistance regarding how to implement student accommodation plans requiring extended time during testing.

Reporting Requirement: By February 28, 2016, the College will provide documentation to OCR demonstrating that training was provided in accordance with Action Item 2 above; including the name and credentials of the trainer, the date(s) of the training, copies of the training materials distributed, and a list of attendees.

Action Item 3:

By January 31, 2016, the College will provide training regarding the prohibitions against disability harassment and discrimination (other protected bases may also be included in this training) to all faculty, staff and administrators within the CAAT, CET, and all teaching faculty within the Mortuary Sciences Department. The training will include instruction regarding the following: (a) the requirements of Section 504 and the ADA, including that disability harassment and discrimination is prohibited and will not be tolerated; (b) what types of conduct constitutes such harassment and discrimination; (c) the negative impact that such harassment and discrimination has on the educational environment; (d) how faculty, staff and administrators are expected to respond to such harassment and discrimination that they experience or witness, or of which they otherwise know, including the reporting avenues available; (e) the responsibility of faculty, staff and administrators to report incidents of possible harassment and discrimination, and the procedures for doing so; and (f) where, how and to whom instances of disability harassment and discrimination are to be reported.

Reporting Requirement: By February 28, 2016, the College will provide documentation to OCR demonstrating that the training referenced in Action Item 3 was provided to all relevant faculty, staff and administrators. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by relevant faculty, staff, and administrators at the College.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), 104.43 and 104.44, which were at issue in this case. The College also 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 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 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. §§ 104.4(a), 104.43 and 104.44, which were at issue in 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 proceeding 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.

11/17/15
Date

/s/
Andrew J. Matonak
President
Hudson Valley Community College