

RESOLUTION AGREEMENT

International Center of Photography OCR Case Number 02-15-4026

In order to resolve OCR Case No. 02-15-4026, the International Center of Photography (the School) 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), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104.

This Agreement does not constitute an admission by the School of a violation of Section 504 of the Rehabilitation Act or its implementing regulations or any other law.

Action Item 1:

By February 15, 2016, the School will contact the complainant in writing and offer him the opportunity to engage in an interactive process to evaluate the complainant's request for disability-related reasonable accommodations to perform the essential functions of a teaching assistant (TA) position. The School will allow the complainant a minimum of 30 calendar days to respond to the offer. If the complainant accepts the School's offer, then within 30 calendar days of the complainant's acceptance of the offer, the School will engage in this interactive process with the complainant; and, within 60 calendar days, if the interactive process is successful in identifying appropriate accommodations, the School will offer the complainant a TA position and provide the appropriate accommodations. If for whatever reason the School determines that it cannot make reasonable accommodations to which the complainant agrees that would allow the complainant to perform the essential functions of the TA position, within 30 calendar days of the initiation of the interactive process with the complainant, the School will inform the complainant and OCR, in writing, of the basis for its determination in that regard and provide any documentation necessary to support that position consistent with the requirements of the regulation implementing Section 504.

Reporting Requirements:

1. By March 31, 2016, the School will provide to OCR a copy of the written offer to the complainant made pursuant to Action Item 1 above, and the complainant's response, if any.
2. By May 15, 2016, the School will provide documentation to OCR demonstrating that the School offered the complainant a TA position and a list of the accommodations it provided to the complainant in order for him to perform the essential functions of the TA position. If the School has determined that it cannot make reasonable accommodations to which the complainant agrees that would allow the complainant to perform the essential functions of the TA position, the School will provide documentation to OCR describing the basis for its determination in that regard and provide any documentation necessary to

support that position consistent with the requirements of the regulation implementing Section 504.

Action Item 2

By March 15, 2016, the School will provide training to the TA Liaison, and personnel at the level of Manager and higher in the School, who may receive and/or evaluate requests for disability-related reasonable accommodations in employment, on the policies and procedures personnel should follow when an employee requests reasonable accommodations and on engaging in the interactive process to determine which reasonable accommodations can be provided to allow an employee to perform the essential functions of the job.

Reporting Requirement: By April 1, 2016, the School will provide documentation to OCR demonstrating compliance with Action Item 2 above, including (a) the date(s) of the training(s); (b) the topics covered during the training(s); (c) the name and credentials of the trainer(s); (d) the name and title of all School personnel who attended the training(s); and (e) a copy of the materials used in the training(s).

The School understands that OCR will not close the monitoring of this agreement until OCR determines that the School has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.11, and 104.12, which were at issue in this case. The School 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 School understands that during the monitoring of this agreement, if necessary, OCR may visit the School, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.11, and 104.12, which were at issue in this case. The School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date

Executive Director
International Center of Photography