

RESOLUTION AGREEMENT

Bergen Community College OCR Case No. 02-17-2047

In order to resolve Case No. 02-17-2047, Bergen Community College (the College) assures the U.S. Department of Education, 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.

This agreement does not constitute an admission of liability on the part of the College that it has violated any regulations enforced by OCR.

Action Item

The College advised OCR that in order to resolve Case No. 02-17-2047, by July 1, 2017, the College will voluntarily change the Student's grade for the course Education 110 (the course), for the spring 2016 semester, from a grade of "E" to a "W" (withdrawal), and revise her transcript accordingly. By July 1, 2017, the College will notify the Student by mail at her address on file with the College of the change in her grade, and provide to her a certified copy of her transcript indicating such change.

Reporting Requirement: By July 15, 2017, the College will provide to OCR:

- a) Documentation demonstrating that it has changed the Student's grade in the course from an "E" to "W", including a copy of the Student's revised transcript; and,
- b) A copy of the letter issued to the Student notifying her of the grade revision, consistent with the Action Item above.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the College has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.43(a); and the ADA, at 28 C.F.R. §§ 35.130(b)(1)(i) and (vii), which were at issue in this case. 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 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. § 104.43(a); and the ADA, at 28 C.F.R. § 35.130(b)(1)(i) and (vii), which were at issue in this case. The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

5/25/17
Date

/s/
By: Dr. William Mullaney
Vice President of Academic Affairs
Bergen Community College