

Resolution Agreement
Community College of Philadelphia
OCR Docket No. 03-13-2275

In order to resolve compliance concerns identified in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 et seq., Title II of the Americans with Disabilities Act of 1990, and their implementing regulations, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, the Community College of Philadelphia (CCP) commits to implement the provisions set forth in this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

ACTION STEPS

Section 504/Title II Grievance Procedures

1. By December 15, 2013, CCP will submit to OCR for its review and approval draft Section 504 grievance procedures to address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), as required by Section 504's implementing regulation at 34 C.F.R. § 104.7(b). The procedures will identify the Section 504 Coordinator as having responsibility to coordinate CCP's compliance with Section 504. CCP will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging disability discrimination and will include, at a minimum, the following:
 - a. notice to students and employees of the procedure, including how and where to file a complaint;
 - b. the name or title, office address, and telephone number of the individual with whom to file a complaint;
 - c. application of the procedure to complaints alleging sex discrimination carried out by other students, employees or third parties;
 - d. adequate, reliable, and impartial investigation, including the opportunity for both parties to present witnesses and other evidence;
 - e. designated and reasonably prompt timeframes for the major stages of the complaint process;
 - f. notice to the parties of the findings resulting from the complaint; and

- g. an assurance that the College will take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

The grievance procedures may include procedures for grievances alleging discrimination on other bases (race, sex, age, etc.)

3. Within 60 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with Action Step #2 above are consistent with Section 504 requirements, CCP will adopt and implement the procedures and will provide all students, faculty, staff, and administrators with written notice regarding the revised grievance procedures for resolving Section 504 complaints, together with information on how to obtain a copy of the grievance procedures. CCP, at a minimum, will make this notification through CCP's website, electronic mail messages to faculty, staff, administrators and students, and any regularly issued newsletters, (in print or online), as well as by any other additional means of notification CCP deems effective to ensure that the information is widely disseminated.

Reporting Requirements

By December 15, 2013, CCP will submit to OCR for its review and approval a copy of its draft Section 504 grievance procedures referenced in Action Step 1.

Within 60 calendar days following OCR's approval of the Section 504 grievance procedures referenced in Action Step 2, CCP will provide OCR with documentation that it has implemented Action Step 3, including copies of the written notices issued to students and employees regarding the new Section 504 procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised Section 504 procedures are located.

Notice of Nondiscrimination

4. By December 15, 2013, CCP will revise its notice of nondiscrimination pursuant to 34 C.F.R. § 104.8, to specifically include the prohibition against disability discrimination and include the name and contact information (address, telephone number and e-mail address) for the Institute's Section 504/Title II Coordinator. The notice may include other bases (race, sex, age, etc.,).
5. Within 60 calendar days of written notification from OCR that CCP's notice of nondiscrimination complies with Section 504 and Title II, CCP will ensure that, to the extent required by Section 504/Title II at 34 C.F.R. § 104.8, each of its electronic and printed

publications of general distribution that provide information to students, faculty, staff and personnel about Institute services and policies contain the revised notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

Reporting Requirements

By December 15, 2013, CCP will submit to OCR for its review and approval a copy of its notice of nondiscrimination referenced in Action Step 4.

Within 60 calendar days of OCR's approval of CCP's notice of nondiscrimination, CCP will submit to OCR documentation that it has implemented Action Step 5, including copies of any printed publications and web links to any electronic publications containing the notice.

CCP agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that CCP has fulfilled the terms of this Agreement and is in compliance with the provisions of Section 504 which are applicable to this complaint.

CCP 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, CCP understands that during the monitoring of this Agreement, OCR may visit CCP, interview staff, and students and request such additional reports or data as are necessary for OCR to determine whether CCP has complied with the terms of this Agreement and the provisions of Section 504 which are applicable to this complaint.

CCP 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 proceedings to enforce this Agreement, OCR shall give CCP written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

President or designee