

**Voluntary Resolution Agreement
Harrisburg Area Community College
OCR # 03-15-2062**

In order to resolve the allegations in the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR), against Harrisburg Area Community College (the College) under Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act at 28 C.F.R. Part 35 (Title II) which prohibit discrimination on the basis of disability, the College voluntarily enters into this Resolution Agreement (Agreement) and makes the following commitments to OCR. This Agreement does not constitute an admission of liability on the part of the College, nor does it constitute a determination by OCR that the College violated any of the regulations enforced by OCR.

Action Step 1 – Memorandum to faculty and administrators regarding the provision of academic adjustments

- a. The College recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.44(a) to provide modifications to its academic requirements, as are necessary, to qualified students with disabilities to ensure that they are not denied the benefits of, or excluded from participation in, the College's educational programs, benefits, or services. The College also recognizes its obligation under the Title II regulation at 28 C.F.R. § 35.130(b)(7) to make reasonable modifications when necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the program.
- b. By September 1, 2015, the College will send a memorandum to all faculty and administrators, who are involved in the provision and delivery of academic adjustments to students with disabilities, reminding them of their obligations to provide academic adjustments in accordance with the applicable Section 504 and Title II regulations. Specifically, this memorandum will remind them of their responsibility to implement the approved academic adjustments in a manner that is consistent with a student's Office of Disability Services Disability Verification/Accommodation Request Letter. This memorandum will also state that in instances where it is determined that a student does not receive his or her approved academic adjustments, instructional staff and disability services personnel will work together with the Student to identify an appropriate remedy.

Reporting Requirements

By November 1, 2015, the College will submit evidence of the date and method of the distribution of the memo required by Action Step 1, including a list of the persons who received it, by name and title. The obligations set forth in Action Steps #1 and 2 may be fulfilled in the same memorandum distributed to College faculty and administrators.

Action Step 2 – Memo to faculty and administrators advising of the prohibition against different treatment and retaliation

- a. The College acknowledges that, pursuant to 34 C.F.R. §§ 100.7(e) and 104.61 and 28 C.F.R. § 35.134, it may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation or other matter in connection with a complaint. The College also acknowledges that pursuant to 34 C.F.R. §§ 104.4(b) (iv) and 28 C.F.R. 35.130(b)(1)(iv) it will

not engage in different treatment of persons with disabilities and persons who are not disabled and specifically, assures that it will not provide different or separate aid, benefits, or services to persons with disabilities unless such action is necessary to provide qualified persons with disabilities with aid, benefits, or services that are as effective as those provided to others.

- b. By September 1, 2015, the College will disseminate a memorandum to all faculty and administrators who are involved in the provision and delivery of academic adjustments to students with disabilities which incorporates the language in the regulations cited under 2a. and reminds them that different treatment of students with disabilities or retaliation (any adverse action, including, but not limited to, coercion, threats or intimidation) against an individual who has engaged in a protected activity or participated in the resolution process of complaints alleging discrimination in violation of statutes and regulations enforced by OCR, is prohibited under these regulations.

Reporting Requirements

By November 1, 2015, the College will submit evidence of the date and method of the distribution of the memo required by Action Step 2, including a list of the persons who received it, by name and title. The obligations set forth in Action Steps #1 and 2 may be fulfilled in the same memorandum distributed to College faculty and administrators.

Action Step 3 – Review of Process for Providing Academic Adjustments to Students with Disabilities

- a. By September 1, 2015, the College shall review and revise, as applicable, its policies, procedures, and practices for providing approved academic adjustments to students with disabilities to ensure that these determinations are sufficiently detailed and documented, describing the nature, type and amount of services to be provided in a manner which is specific and clear (e.g. prescribing the amount of extended time to be provided on tests and identifying the location(s) where students will take tests in a quiet and distraction-free environment).

Reporting Requirements

By November 1, 2015, the College will submit to OCR, for its review and approval, any policies and practices revised in accordance with Action Step #3, including any applicable forms for providing academic adjustments to students with disabilities and procedures used in documenting students' approved academic adjustments. Within 30 days of OCR's review and approval, the College will provide OCR with documentation demonstrating that it has adopted and is implementing these policies and practices.

Action Step 4 – XXXXXX

- a. XX – paragraph redacted – XX

Reporting Requirements

XX – paragraph redacted – XX

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, 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(b)(iv), 104.44(a), and 104.61 and Title II at 28 C.F.R. §§ 35.130(b)(1)(iv), 35.130(b)(7), 35.134 which were at issue in this complaint.

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. §§ 104.4(b)(iv), 104.44(a), and 104.61 and Title II at 28 C.F.R. §§ 35.130(b)(1)(iv), 35.130(b)(7), 35.134 which were at issue in this complaint.

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

/s/

6-17-15

President or designee
Harrisburg Area Community College

Date