

Resolution Agreement
Delaware Technical and Community College
OCR Complaint Number 03152416

Delaware Technical and Community College (the College) enters into the Resolution Agreement (Agreement) and makes the following commitments to OCR. The College submits this Agreement to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), and its implementing regulation at 28 C.F.R. Part 35. This Agreement is being entered into voluntarily by the College in settlement of a disputed claim and shall not be construed as an admission of any unlawful conduct.

Notice to Complainant

1. Within 15 calendar days of the signing of this Agreement, the College will provide the Complainant with written notification that the Complainant is permitted to bring her service animal on campus and inside all College buildings.

Reporting Requirement: Within 20 calendar days of the signing of this Agreement, the College will provide OCR with a copy of the notification provided to the Complainant informing her that the service animal is permitted on the College's campuses and inside any of the College's buildings.

Service Animal Policy

2. Within 30 calendar days of the signing of this Agreement, the College will develop and submit to OCR for its review and approval, a policy to implement the requirements of 28 C.F.R. § 35.136 and 34 C.F.R. § 104.4 regarding the rights of individuals with disabilities to be accompanied by service animals in all areas of the College's campuses where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. Such policies and procedures will include:

- A. The definition of a service animal consistent with the definition set forth in the Title II regulation at 28 C.F.R. § 35.104;
- B. The permissible inquiries that may be made of a person with a service animal, in accordance with the Title II regulation at 28 CFR §35.136 (f);
- C. The process by which faculty/staff may raise any questions or concerns about service animals, including to whom such concerns should be raised at the College (such as if a particular animal appears uncontrolled or not housebroken, as noted at 28 C.F.R. § 35.136(b)); and
- D. The procedure the College will use if it wishes to exclude a service animal for health or safety concerns, ensuring that the College will provide the individual with a disability the opportunity to participate in the service, program, or activity

without having the service animal on the premises.

Reporting Requirement: Within 30 calendar days of signing this Agreement, the College will submit for OCR’s review and approval a copy of the College’s Service Animal Policy.

Dissemination of Approved Service Animal Policy

3. Within 30 calendar days of written notification from OCR that the Service Animal Policy developed in accordance with Action Step #2 is consistent with the requirements of Title II, the College will adopt and implement the Policy and will provide all students, faculty, staff, and employees with written notice regarding the new policy. The College, at a minimum, will make this notification through the College’s website, electronic mail messages to employees and students, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the College deems effective to ensure that the information is widely disseminated.

Reporting Requirement: Within 60 calendar days of written approval from OCR that the Service Animal policy referenced in Action Step #2 is approved and consistent with Title II, the College will provide OCR with documentation that it has implemented Action Step #3 above, including copies of the written notices issued to students faculty, staff, and employees regarding the new Service Animal policy 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 policy is located.

Training

4. Within 60 calendar days of written approval from OCR that the Service Animal policy referenced in Action Step #2 is consistent with Title II, the College will provide training on the new Service Animal Policy to each of the ADA campus contacts at each campus, the College’s ADA/Section 504 Coordinator, the President, Public Safety Officers, and any other faculty and staff responsible for implementing the Policy. The training will address, at minimum, the College’s general obligations under Section 504 and Title II to grant access to service animals; guidelines and examples explaining the bases for excluding a service animal; and clarification that there is no requirement that the student or visitor provide evidence of his or her disability or evidence of the animal’s certification. (28 C.F.R. § 35.136(f))

Reporting Requirement: Within 75 days of OCR’s written approval of the Service Animal Policy, the College will provide documentation demonstrating implementation of Action Step #4. The documentation must identify the following: a) the date, time and location of

the training; b) the topics addressed at the training(s) (the College may provide OCR an outline of the training and copy of the materials disseminated at the training); c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name and title of each College administrator or employee who attended the training (a sign-in sheet with the attendees' names, titles, and work locations is sufficient).

XXXXXX

5. XXXXXX

Reporting Requirement: XXXXXX

The College understands that OCR will not close the monitoring of this Agreement until it determines that the College has fulfilled all of the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.44, and Title II of the ADA, at 28 C.F.R. §§ 35.130 and 35.136, which were at issue in this complaint.

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, 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 complied with the terms of this Agreement and the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.44, and Title II of the ADA, at 28 C.F.R. §§ 35.130 and 35.136.

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 sixty (60) calendar days to cure the alleged breach.

/s/

7.6.16

President
Delaware Technical and Community College

Date