

**Shelton State Community College
Resolution Agreement
OCR Docket Number 04-13-2014**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Shelton State Community College (College) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. As a public educational entity, the College is also subject to the provisions of Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination based on disability by public entities. This resolution has been entered into voluntarily by the College and does not constitute a finding or admission that the College is not in compliance with Section 504 and/or Title II and/or its implementing regulations. Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the College voluntarily agrees to take the following actions.

Complainant/Student Focused Remedy:

1. By **November 1, 2013**, the College will issue the Complainant a written offer of an opportunity to retake any courses in which he was not provided his approved accommodations at no cost, including Health, Literature, Computers, Chemistry, Biology Lab (enrolled January – May 2012), Math 112, and Math 113. The College's offer will be open to the Complainant for two academic years. Any courses retaken will include all current approved accommodations for the Complainant. If the Complainant has already retaken any of the above-referenced courses, the College will reimburse the Complainant for all costs associated with retaking the course. For each course retaken by the Complainant, the College will recalculate the Complainant's grades using the higher of the two grades obtained and eliminate any evidence of retake(s) from the Complainant's transcript.

REPORTING REQUIREMENT: By **November 15, 2013**, the College will provide OCR with documentation showing that the Complainant was issued the written offer outlined in Item 1 above.

REPORTING REQUIREMENT: By **November 15, 2013**, the College will provide documentation to OCR showing that the Complainant has been reimbursed for the costs associated with any courses that the Complainant has already retaken. The College will further provide a copy of the Complainant's transcript showing recalculation of the Complainant's grades using the higher of the two grades obtained and elimination of any evidence of retake(s) from the Complainant's transcript.

REPORTING REQUIREMENT: At the conclusion of each academic year until 2015 (i.e., 2013-2014 and 2014-2015), the College will issue a statement to OCR regarding whether the Complainant has opted to retake any courses. If the Complainant retook any

courses the College will include evidence that the Complainant was provided with his approved accommodations during the course, the final grade received and a copy of the Complainant's transcript showing recalculation of the Complainant's grades based on the higher of the two grades obtained.

2. By **November 1, 2013**, the College will issue a written apology to the Complainant regarding the failure to provide accommodations/academic adjustments to the Complainant from 2011 to the complaint filing.

REPORTING REQUIREMENT: By **November 15, 2013**, the College will provide OCR with documentation showing that the Complainant has been issued a written apology.

Staff Training:

3. By **January 15, 2014**, the College's Attorney will conduct training, with the assistance of OCR, to the Office of Disability Services staff regarding the requirements of Section 504 and Title II, including the interactive process, approval of accommodations/academic adjustments, obligations to ensure that accommodations/academic adjustments are provided, and prohibitions against retaliation and harassment on the basis of disability.

REPORTING REQUIREMENT: By **November 15, 2013**, the College will provide OCR with dates on which the training is anticipated and a mutually convenient date and time shall be selected for training. Upon the conclusion of the training, the College will provide OCR with a copy of the sign-in sheet identifying the training attendees with their titles.

4. By **January 15, 2014**, the College's Attorney will conduct training, with the assistance of OCR, to the College's Teaching staff regarding the requirements of the Section 504 and Title II, including the provision of approved accommodations/academic adjustments, and prohibitions against retaliation and harassment on the basis of disability.

REPORTING REQUIREMENT: By **November 15, 2013**, the College will provide OCR with dates on which the training is anticipated and a mutually convenient date and time shall be selected for training. Upon the conclusion of the training, the College will provide OCR with a copy of the sign-in sheet identifying the training attendees with their titles.

Equipment Maintenance:

5. By **November 1, 2013**, the College will conduct a maintenance check on the CCTV in the library to ensure that it is operational. The College agrees to follow-up with subsequent maintenance checks at the start of each new term (e.g. spring, fall, winter, summer) thereafter.

REPORTING REQUIREMENT: By **November 15, 2013**, the College will provide OCR with a copy of documentation, e.g., maintenance invoice from its check on the CCTV for the 2013-2014 academic year.

Section 504 Grievance Procedures & Statement of Nondiscrimination

6. By **November 15, 2013**, the College will revise its Statement of Nondiscrimination to provide accurate contact information for OCR. The College will further adopt revised Section 504 grievance procedures in accordance with 34 C.F.R. Section 104.7(b) that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504. Specifically, the College's Section 504 Grievance Procedures will incorporate the following elements that OCR considers necessary in order for the Section 504 Grievance Procedures to meet appropriate due process standards and be prompt and equitable, as required by the regulations:
 - a) Notice to students and employees of the procedure, including where complaints may be filed;
 - b) Application of the procedure to complaints alleging discrimination/harassment carried out by employees, other students, or third parties;
 - c) Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
 - d) Designated and reasonably prompt timeframes for the major stages of the complaint process;
 - e) Notice to the parties of the outcome of the complaint; and
 - f) An assurance that the College will take steps to prevent recurrence of any discrimination and to correct the discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT: By **December 13, 2013**, the College will submit a copy of the grievance procedures and nondiscrimination statement described in Item 6 to OCR for its review and approval.

REPORTING REQUIREMENT: **Within 30 days after receiving OCR's approval of the grievance procedures required under Item 6**, the College will publish the grievance procedures in all online student handbooks or other publications

REPORTING REQUIREMENT: **Within 30 days of publishing the approved procedures**, the College will provide OCR with a copy of the publications containing the

grievance procedures and statement of non-discrimination and links to online information described in Item 6.

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 and Title II, were at issue in this case.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that it has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this case.

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. §104.61, incorporating 34 C.F.R. §§ 100.9, 100.10 by reference), 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.

This Agreement will become effective immediately upon the signature of the College’s representative below.

/s/

9/27/13

President or Designee

Date