

**Resolution Agreement  
Everest Institute, GA  
Docket # 04-13-2067**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Everest Institute (Institute), 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 in all programs and activities that receive Federal financial assistance from the Department. Prior to the completion of OCR's investigation, the Institute asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM).

The Institute agrees to take all steps reasonably designed to ensure that students enrolled at the Institute are not subject to a hostile environment, on the basis of disability, and that the Institute will promptly investigate all incidents and complaints of disability harassment. The Institute will take prompt and effective responsive action reasonably designed to end the hostile environment, if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected student(s). Accordingly, the Institute agrees to the following:

**Procedural Remedies**

- 1. By October 30, 2013**, the Institute will complete its revisions to the Combined Grievance Procedures and Combined Statement of Nondiscrimination, in accordance with the Resolution Agreement currently under review by OCR's Cleveland Office regarding OCR Complaint #15-12-2124.

**Within thirty (30) calendar days** of written notification from OCR's Cleveland Office, that its procedures comply with the laws enforced by OCR, the Institute will appropriately publish and disseminate the Combined Grievance Procedures and Combined Statement of Nondiscrimination, using its standard methods for disseminating new information and procedures that impact the Institute's student population (i.e., in its Student Handbook), and notify students, staff, and administrators at the Marietta, GA campus, in writing of the Institute's revised Combined Grievance Procedures and by placing them in the Institute's student catalog, and by any other effective means of notification the Institute elects.

**REPORTING REQUIREMENT: Within thirty (30) calendar days** from the date of the posting of the revised grievance procedures, the Institute will submit to OCR copies of the requisite notifications to show compliance with Item #1, above.

**Student-Focused Remedies**

- 2. By October 30, 2013**, the Institute will inform staff at the Marietta, GA campus to cease the use of the form currently being used to allow the medical facility to bill the Institute in

the case of student injuries. Additionally, staff will be trained on the appropriate form to be used in the case of student injury.

**REPORTING REQUIREMENT: By October 30, 2013**, the College will provide OCR with a copy of the notification sent, via email, to faculty and staff advising them of the correct form to use to report student injuries. Additionally, the College will provide OCR documentation of the training provided to faculty and staff on the use of the appropriate form for reporting student injuries. The documentation shall include: (1) the date of the training session; (2) a list of the attendees (including titles of employees), and (3) any information provided to staff on how to obtain the appropriate form to report student injuries.

- 3. By October 30, 2013**, the Institute will remove the Complainant's pending balance in the amount of \$470.41. The Institute will notify the Complainant by letter of the adjustment to his account.

**REPORTING REQUIREMENT: By October 30, 2013**, the Institute will submit documentation to OCR showing implementation of Item #3, above, such as a copy of Complainant's account, indicating the adjustment to his account and a copy of the letter issued to the Complainant notifying him of the adjustment.

### **Training**

- 4. Within sixty (60) calendar days** of written notification from OCR that its procedures comply with the laws enforced by OCR, the Institute will make administrators, faculty and staff at the Marietta, GA campus available for training by OCR concerning Section 504 as it applies to disability harassment and other harassment prohibited under the laws that OCR enforces, including how to respond to student complaints, where to refer such complaints, and how to recognize disability harassment. In addition, the training will cover the Institute's grievance procedure process for Section 504 complaints and the prohibition against retaliation. The Institute agrees to continue conducting similar training for Institute staff at the Marietta, GA campus in a manner consistent with the Institute's current annual staff trainings .

**REPORTING REQUIREMENT: Within 30 days** of the training being conducted, the Institute will provide OCR with a report confirming the completion of the training required above. The documentation shall include: (1) a list of the attendees (including titles of employees), and (2) a copy of the agenda and training materials disseminated regarding the Institute's grievance procedure process for Section 504 complaints and the prohibition against retaliation. OCR will not require documentation of the annual training after monitoring is closed.

The Institute understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Institute understands that during the monitoring of this Agreement, OCR may visit the Institute, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the Institute has

fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §104.4(a) and (b) (i),(ii),(vii), and 104.8, Title VI at 34 C.F.R. § 100.6(d), Title IX at 34 C.F.R. § 106.9, and the Age Act at 34 C.F.R. § 110.25, which were at issue in this investigation.

The Institute understands that OCR will not close the monitoring of this Agreement until OCR determines that the Institute has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. §104.4(a) and (b) (i),(ii) and (vii), and 104.8, Title VI at 34 C.F.R. § 100.6 (d), Title IX at 34 C.F.R. § 106.9, and the Age Act at 34 C.F.R. § 110.25, which were at issue in this investigation.

The Institute 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 Institute written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

09/28/2013

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President or designee

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Date