

**Resolution Agreement**  
**Nashville State Community College**  
**OCR Complaint #04-14-2001**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Nashville State Community College (College), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. During the course of OCR's investigation, OCR found un-alleged Section 504 and Title II compliance concerns, as well as, compliance concerns under Title IX of the Education Amendments of 1972 (Title IX), and the Age Act of 1974 (Age Act). The College agreed to voluntarily resolve the compliance concerns. Accordingly, to ensure compliance with Section 504, Title II, Title IX and the Age Act, the College voluntarily agrees to take the following actions:

**Policies and/or Procedures**

1. **By April 18, 2014**, the College will revise its online Student Disability Services (SDS) Policy<sup>1</sup>, to provide information regarding: how qualified students with disabilities may request and obtain academic adjustments/accommodations as related to the admissions process (e.g., any tests administered); how qualified students with disabilities may request academic adjustments /accommodations for non-academic programs including extracurricular activities; how members of the public with disabilities who wish to attend events at the school may request reasonable accommodations; and identification of the College's "Section 504 and Title II Coordinator" by title and that individual's contact information.

**Reporting Requirement**

- i. **By April 25, 2014**, the College will submit a copy of its updated SDS Policy for OCR's review and approval.
  - ii. **By May 25, 2014**, or within 30 days of notice of approval by OCR, the College will provide documentation that any print versions and the online policy have been updated online, readily searchable on the College's website.
2. **By April 18, 2014**, the College will update its "Student Disability Services" information sheet to reflect that the major life activities listed are a non-exhaustive list and might also include major bodily functions (e.g., functions of the immune system, normal cell growth, bowel, bladder, brain, reproductive function).

**Reporting Requirement**

- i. **By April 25, 2014**, the College will submit a copy of its "Student Disability Services" updated information sheet for OCR's review and approval.

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<sup>1</sup> The SDS Policy is located on the College's website at [www.nsc.edu/student-resources/disability-services/](http://www.nsc.edu/student-resources/disability-services/)

- ii. **By May 25, 2014**, or within 30 days of notice of approval by OCR, the College will provide documentation that all print and any online versions have been updated (submit copies of print material or provide electronic links).
3. **By April 18, 2014**, the College will update the “Student Grievance Procedure” in the Student Handbook<sup>2</sup> to replace “solely” with “based upon;” to include a link to the Tennessee Board of Regents’ (TBR) policies which the College follows; to either indicate a timeframe for processing appeals of initial grievance determinations or to cause the TBR policy itself to be revised to include a timeframe for an appeal response; and to identify its Section 504, Title IX and Age Act Coordinator(s) by title and provide contact information including physical location.

#### **Reporting Requirement**

- i. **By April 25, 2014**, the College will submit a copy of its updated grievance procedure in the Student Handbook for OCR’s review and approval.
  - ii. **By May 25, 2014**, or within 30 days of notice of approval by OCR, the College will provide documentation that the procedure has been updated online and is readily searchable on the College’s website.
4. **By April 18, 2014**, the College will update its online<sup>3</sup> and printed nondiscrimination notices to include specific references to Title II, Section 504 and the Age Act and to include Section 504, Title IX and Age Act Coordinator information including, the designated employee’s title and contact information, including his or her physical location.

#### **Reporting Requirement**

- i. **By April 25, 2014**, the College will submit a copy of its updated non-discrimination statement for OCR’s review and approval.
  - ii. **By May 25, 2014**, or within 30 days of notice of approval by OCR, the College will provide documentation that both the printed non-discrimination statements and online statement have been updated online and is readily searchable on the College’s website (submit copies of print material or provide electronic links).

#### **Staff Training:**

5. **By May 15, 2014**, the College will conduct training of its Student Disability Services staff regarding the requirements of Section 504 and Title II, and the changes as stated in Item 1 above. The training should include training on the updated policies which will provide for academic adjustments or accommodations as related to any admissions-related requirements or as needed to ensure an equal opportunity of students or the public to participate in College programming; internal grievance and appeal procedures and prohibitions against retaliation.

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<sup>2</sup> The Student Handbook is located on the College’s website at <http://catalog.nsc.edu/content.php?catoid=7&navoid=716>

<sup>3</sup> The online non-discrimination statement is located on the College’s website at <http://www.nsc.edu/misc/non-discrimination-policy/>

**REPORTING REQUIREMENT:** By **May 25, 2014**, the College will provide OCR with a copy of the sign-in sheet identifying the training attendees with their titles; the name, title and qualifications of the person who delivered the training and a copy of any training materials used.

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. 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 regulations set forth below.

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 implementing regulation at 34 C.F.R. §§ 104.7, 104.36 and 104.44(a); the Title II implementing regulations at 28 C.F.R. §§ 35.107 (a) and (b) and 35.130 (a), (b); the Title IX implementing regulation at § 34 C.F.R. 106.8; and the Age Act implementing regulation at § 34 C.F.R. 110.25(a) and (b) which arose as concerns during the investigation of 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. §104.61, incorporating 34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the President or his/her designee below.

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\_\_\_\_\_  
President or Designee

3/28/14  
\_\_\_\_\_  
Date