

**Resolution Agreement  
Calhoun Community College, AL  
OCR Complaint #04-14-2353**

Calhoun Community College (College) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint #04-14-2353 filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The College enters this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35; and the Age Discrimination Act of 1975 (Age Act) and its implementing regulation at 34 C.F.R. § 110.10. Accordingly, the College voluntarily agrees to take the following actions:

**Nondiscrimination Statement**

1. By **December 30, 2016**, the College will issue a nondiscrimination statement, including disability and age discrimination, (Nondiscrimination Statement) to all professors, faculty, staff, and students, and will post the Nondiscrimination Statement in prominent locations at the College on the College's website. The Nondiscrimination Statement will state that the College does not tolerate acts of disability or age discrimination and will reference its policy to provide academic adjustments and auxiliary aids and services to students with disabilities. The Nondiscrimination Statement will also:
  - i. encourage any student in the College who believes that he or she has been subjected to discrimination based on disability or age to report the discrimination to the appropriate College official;
  - ii. note the College's commitment to conduct a prompt investigations of all allegations of disability and/or age discrimination;
  - iii. include appropriate contact information for the College's Compliance Officer(s), to whom students may report allegations of disability and/or age discrimination, or any other conduct or discrimination prohibited by Section 504, Title II, and Age Act;
  - iv. advise that students, administrators, staff and/or contract staff found to have engaged in acts of discrimination based on disability, age, or any other conduct prohibited by Section 504, Title II, and the Age Act will be promptly disciplined, to include, if circumstances warrant, up to and including suspension or expulsion for students and suspension or termination of employment for staff; and,
  - v. encourage students and the College staff to work together to prevent acts of discrimination of any kind.

## **REPORTING REQUIREMENT**

By **February 13, 2017**, the College will provide documentation demonstrating that a Nondiscrimination Statement was issued pursuant to Item #1 above.

### **Procedural Remedies**

#### ***Grievance Procedures:***

2. By **December 30, 2016**, the College will revise its “504/ADA Grievance Process for Students” (Grievance Procedures). The revised Grievance Procedures will be submitted to OCR for review and approval. At a minimum, the Grievance Procedures will include:
  - a. notice to students, parents, and employees of the procedures, including where complaints may be filed;
  - b. application that the procedures to complaints of discrimination, including harassment, carried out by employees, students, or third parties;
  - c. a provision for prompt, adequate, and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and evidence;
  - d. designated and reasonably prompt timeframes for the major stages of the investigation;
  - e. written notification to the complainant and subject of the complaint of the outcome of the investigation;
  - f. an assurance that remedial action will be taken to address and resolve any found incident of discrimination and to prevent the recurrence of any discrimination will be taken; such remedial action may include, as appropriate, disciplinary sanctions up to and including termination if the harasser is an employee, strategies to protect the individual subject to the harassment any witnesses from retaliation, counseling for the victim of the harassment, other steps to address any impact on the victim of the harassment, any witnesses and the broader student body, and any other necessary steps reasonably calculated to prevent occurrences of harassment; and
  - g. an anti-retaliation provision ensuring that faculty, staff, and students are aware of the College’s prohibition of retaliation against individuals that complain of discrimination/harassment;

- h. if the College chooses to incorporate an informal grievance procedure, such as mediation, when appropriate,<sup>1</sup> into its procedures, the College's grievance procedures will make clear that this is a voluntary process and the complainant may choose not to participate in the informal grievance procedure or to withdraw from the process, once begun, and to request that his or her complaint be investigated pursuant to the College's formal grievance procedures.

### **REPORTING REQUIREMENTS**

- i. By **February 13, 2017**, the College will submit to OCR its revised Grievance Procedures developed pursuant to Item #2 above for approval.
- ii. Within **30 days of OCR's approval**, the College will begin implementation of its revised procedures.

### **3. Academic Accommodations<sup>2</sup>**

By **December 30, 2016**, the College will revise its "Information, Policies, & Procedures for Students" (Accommodations Procedures). The revised Accommodations will be submitted to OCR for review and approval. The Accommodations Procedures will include:

- a. An interactive process for determining whether a student requires disability related accommodations during clinical; and
- b. a process for notifying staff and any other necessary parties of the student's approved accommodations for clinical.

### **REPORTING REQUIREMENTS**

- i. By **February 13, 2017**, the College will submit to OCR its revised Accommodations Procedures developed pursuant to Item #3 above for approval.
- ii. Within **30 days of OCR's approval**, the College will begin implementation of its revised procedures.

### ***Accommodations Letter***

- 4.** By **December 30, 2016**, the College will revise its Accommodations Letter for students with disabilities approved to receive accommodations to ensure Instructors

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<sup>1</sup> Mediation is not appropriate for allegation of abuse.

<sup>2</sup> As used herein, the term "accommodations" refers to academic adjustments and auxiliary aids and services.

are aware that the accommodations identified in the Letter are to be provided to the student unless the Letter is modified by Disability Services as part of an interactive process with the affected student. The College will remove the language in the Letter that states “[l]isted below are strategies that would be helpful in some courses, but not practical in all’. For current students enrolled in the College who already have been provided Accommodations Letters, the College will issue new letters that do *not* contain the following statement: “[l]isted below are strategies that would be helpful in some courses, but not practical in all.”

### **REPORTING REQUIREMENTS**

- i. By **February 13, 2017**, the College will submit to OCR its revised Letter developed pursuant to Item #4 above for approval.
  - ii. Within **30 days of OCR’s approval**, the College will begin implementation of its revised procedures, and will issue revised letters to current students enrolled in the College who already have been provided Accommodations Letters.
5. By **April 10, 2017**, and thereafter on an annual basis, the College will publish, including in a prominent location on their website in an accessible manner for those with disabilities, the policies and procedures, developed pursuant to Items #2, #3, and #4 above, in any publications that contain the College’s policies and procedures, including disciplinary and/or grievance procedures.

### **REPORTING REQUIREMENT**

By **June 12, 2017**, the College will provide documentation demonstrating that the College has disseminated such publications in accordance with Items #2, #3, and #4 above. The College will submit to OCR a copy of any publication that contains the College’s policies and /or Grievance Procedures, as well as the link to each on the College’s website.

### **College Personnel Training:**

6. By **December 30, 2016**, the College will conduct mandatory training for faculty, staff, and administrators in the Nursing Department, staff in the Disability Services Office, the Office for Student Affairs and the Section 504 Coordinator, and any other persons involved in the investigation of disability and age discrimination complaints regarding their legal obligations and responsibilities under Section 504, Title II, and Age Act to investigate complaints pursuant to the College’s grievance procedures revised procedures pursuant to Items #2, #3, and #4 above and their application to Section 504, Title II, and the Age Act.
7. By **December 30, 2016**, the College will provide the Nursing Department Chair, the Dean of Health Services, the Dean of Student Affairs/504 Compliance Officer, and

the Vice President for Instructional Services and Student Services, specialized training by an independent party knowledgeable to instruct post-secondary officials regarding their legal obligations and responsibilities regarding Section 504 and Title II and the Age Act to emphasize sensitivity training and training regarding the College's legal obligations to provide academic adjustments and auxiliary aids and services to students with disabilities and to treat all student's equally regardless of their disability and/or age.

### **REPORTING REQUIREMENT**

- i. By **February 13, 2017**, the College will provide OCR with documentation demonstrating that it has timely completed Items #6 and 7 above. Specifically, the College will provide to OCR the names of all individuals who attended the training sessions(s) provided pursuant to Section 504, Title II, and the Age Act; the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s); and an attendance sheet signed by the participants that indicates their names and titles..

### **Student Remedy:**

8. The College will provide OCR with a full accounting, along with supporting documentation, detailing every item the College has charged the Complainant, including but not limited to tuition, books, fees (e.g. application fee), health insurance, and any other item related to his enrollment with the College. If any charge has been waived or refunded to the Complainant, the College will include this information along with supporting documentation. Additionally, the College will provide OCR with a full accounting, along with supporting documentation, detailing all monies the Complainant borrowed through student loans while enrolled with the College.

### **REPORTING REQUIREMENT**

By **December 30, 2016**, the College will provide OCR with documentation described in Item #8 for OCR's review. The College will continue to clarify its accounting and provide supporting documentation until OCR receives sufficient information to determine compliance with #9 below.

9. Upon OCR's review and approval of Item #8, the College will return all monies received for the Complainant's attendance in Nursing XXX XXXXX XXXXXXXX taken XXXX 2013 and XXXXXXXX 2014, including tuition and fees, to their funding sources. The College will also write-off any ledger balances resulting from any unpaid charges, including any charges associated with the books or other materials received by the Complainant during his enrollment in the nursing program XXX 2013 and XXXXXXXX 2014.

### **REPORTING REQUIREMENT**

Within 30 days of OCR's approval of the monetary amount, the College will provide OCR with documentation demonstrating compliance with Item #9.

- 10.** By **December 30, 2016**, the College shall remove both grades of "X" received by the Complainant for the Nursing XXX XXXXX XXXXXXXX courses taken in XXXX 2013 and XXXXXX 2014 semesters from the Complainant's school records and transcript.

### **REPORTING REQUIREMENT**

By **February 13, 2017**, the College will provide OCR with a copy of the Complainant's entire student record. Additionally, the College will provide OCR with a copy of the Complainant's official transcript as the College would send to any other post-secondary institution, employer, or third party.

- 11.** By **December 30, 2016**, the College will send the Complainant a letter offering him re-admission into the registered nursing (RN) program at the College during the beginning of the spring semester.
- 12.** By **December 30, 2016**, the College will allow the Complainant to take Nursing XXX under the new nursing curriculum with all approved accommodations during the 2016-2017 school year.
- 13.** By **December 30, 2016**, the College will send the Complainant a letter offering him counseling to address any disability and age discrimination or harassment he suffered in the RN program.

### **REPORTING REQUIREMENT**

By **February 13, 2017**, the College will provide documentation demonstrating compliance with Items # 11-13. The College will provide OCR the credentials of the individual selected to provide the Complainant counselor to address disability and age harassment.

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 Section 504 at 34 C.F.R. §§ 104.43(a), 104.44(a) and (d); Title II at 28 C.F.R. §§ 35.130 and 35.134; and the Age Act at 34 C.F.R. §§ 110.10 and 110.34.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. §§ 104.43(a), 104.44(a) and (d); the Title II implementing regulation at 28 C.F.R. §§ 35.130 and 35.134; and the Age Act at 34 C.F.R. §§ 110.10 and 110.34, 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. §§ 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.

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

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President or Designee (Signature)

\_\_\_\_\_  
Date

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President or Designee (Printed)