

**Resolution Agreement  
Gulf Coast State College  
OCR Complaint #04-14-2373**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Gulf Coast State College (College), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794 et seq., and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the College asked to resolve the allegations of the complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues in this investigation, the College voluntarily agrees to take the following actions.

**Non-Discrimination, Harassment, and Sexual Misconduct Policy**

1. By **September 30, 2014**, the College will revise its Non-Discrimination, Harassment, and Sexual Misconduct Policy (Policy). The revised Policy will be submitted to OCR for review and approval. At a minimum, the Policy will include the following components:
  - a. application of the Policy to complaints alleging discrimination and harassment carried out by employees, other students, and third parties;
  - b. a statement that the College will promptly and equitably address all complaints, written or oral, of discrimination/harassment in accordance with its procedures<sup>1</sup> outlined in the Policy; and,
  - c. clearly state that employees, other students, and third parties may file a complaint pursuant to the Policy.

**REPORTING REQUIREMENT:** By **October 13, 2014**, the College will submit to OCR for review and approval a copy of its revised Policy.

2. Within 30 days after OCR's approval of the revised Policy developed pursuant to Item #1, the College will begin implementation of the revised Policy.

**Grievance Procedure:**

3. By **September 30, 2014**, the College will revise its Student Academic Grievance Procedure or will draft grievance procedures for complaints of discrimination on the basis

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<sup>1</sup> The procedures referenced in this provision of the Policy should relate to the revised or newly developed grievance procedures in Item #2 of this Agreement.

of disability, age, race or national origin,<sup>2</sup> including complaints of harassment. The revised or newly developed grievance procedures will be submitted to OCR for review and approval. At a minimum, the grievance procedure will include:

- a. a statement that the grievance procedures are applicable to complaints alleging discrimination on the bases of disability, age, race, color, and national origin, including allegations of harassment;
- b. a statement that the procedures apply to complaints alleging discrimination by employees, other students, or third parties;
- c. a notice to students of the process for filing a grievance, including who to contact (including his or her title, business address, and telephone number) and how to initiate a grievance;
- d. a provision for the adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- e. designated and reasonably prompt timeframes for major stages of the complaint process;
- f. a provision stating the College will provide notice to the parties of the outcome of the complaint;
- g. notice of the opportunity for the parties to appeal the findings;
- h. an assurance that the investigation and appeal will be conducted in an impartial manner by an impartial decision-maker;
- i. if the College chooses to incorporate an informal grievance procedure, such as mediation, when appropriate,<sup>3</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;
- j. the revised or newly developed grievance procedures will not 1) require complaints of discrimination or harassment to be made in writing and signed by the complainant or 2) require that complaints of discrimination or harassment be filed in an unreasonably short timeframe in order for the College to investigate it; and,

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<sup>2</sup> Although The Department's Title VI regulation does not require recipients of federal financial assistance to adopt a grievance procedure to address complaints of race discrimination or harassment, OCR recommends the College adopt a grievance procedure to address race discrimination allegations.

<sup>3</sup> Mediation is not appropriate for allegation of assault.

- k. an assurance that steps will be taken to prevent recurrence of any discrimination, with examples of the range and possible disciplinary sanctions, and to remedy the discriminatory effects on the victim(s) and others.

**REPORTING REQUIREMENT:** By **October 13, 2014**, the College will submit to OCR for review and approval a copy of its revised or newly developed grievance procedures.

- 4. Within 30 days after OCR's approval of the grievance procedures, the College will adopt and disseminate its new or revised grievance procedures, developed pursuant to Item #3 above, and begin implementation of the grievance procedures.
- 5. By **January 5, 2015**, and thereafter on an annual basis, the College will publish the Policy and grievance procedures, developed pursuant to Items #1 and #2 above, in the Student Handbook, the Manual of Policy, on the College's website, and any other publications that contain the College's policies and procedures.

**REPORTING REQUIREMENT:** By **January 19, 2015**, or within 30 days of OCR's notice of approval of the Policy and grievance procedures developed pursuant to Items #1 and #2 above, whichever is later, the College will provide documentation demonstrating that the College has disseminated such publications in accordance with Item #5 above. The College will submit to OCR a copy of the Student Handbook and Manual of Policy, copies of any other publications that contain the College's policies and procedures, as well as the link to the grievance procedures on the College's website.

**Training:**

- 6. By **January 5, 2015**, the College will provide training for all faculty and administrators involved with the handling or investigation of disability discrimination complaints regarding the College's Policy and new or revised grievance procedures and their application to Section 504 and Title II.

**REPORTING REQUIREMENT:** By **January 19, 2015**, the College will submit to OCR documentation demonstrating the completion of the training for the appropriate faculty and administrators regarding the College's Policy and grievance procedures. Such documentation should include: the date(s) of the training session(s); a copy of the agenda for the training; the name, position, and credentials of the trainer(s); and an attendance sheet signed by the participants that indicates their names and titles.

**Student-Focused Remedy:**

7. By **September 8, 2014**, the College will contact the complainant via letter and email informing him that he may file a formal disability discrimination complaint with the College within 30 days from the date of the letter. The College will enclose with the letter a copy of the disability grievance procedures, and the College agrees to grant the complainant a waiver of any time limits on filing a complaint under the College's grievance procedures.

**REPORTING REQUIREMENT:** Within 60 days of sending the letter to the complainant, the College will provide OCR with a copy of the letter and email sent to the complainant, and will inform OCR if the complainant filed a grievance under the College's grievance procedures, and if so, the findings on the complainant's grievance.

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 Section 504 implementing regulation at 34 CF.R. §104.7(b) and the Title II implementing regulation at 28 C.F.R. § 35.107.

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 CF.R. §104.7(b) and the Title II implementing regulation at 28 C.F.R. § 35.107 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 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.

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College President or Designee

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Date