

**Resolution Agreement
Hillsborough Community College (FL)
OCR Complaint # 04-16-2076**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Hillsborough 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 by recipients of Federal financial assistance; and, 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 on the basis of disability by public entities. Prior to the completion of OCR's investigation, the University asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the University voluntarily agrees to take the following actions:

Student-Focused Remedies

By **July 1, 2016**, the College will offer the Complainant, in writing, the following 3 options to choose from:

1. The College will allow the Student to retake the exam with full accommodations at no cost to the Student as well as provide tutorial assistance if requested by the Student.
2. The College will administratively drop the D grade and remove the class from the transcript as well as pay for the Student to take the same or comparable course over.
3. The College will offer a replacement assignment for Exam 1 ESC 1000 Earth Science Lecture.

The Complainant will have fourteen (14) days from the date of the letter to respond to the College's offer.

REPORTING REQUIREMENT: By **July 20, 2016**, the College will provide OCR with the documentation, showing that it offered the Complainant the following: the choices set forth in Item 1 above and the Complainant's response (if any), to retake the exam with full accommodations.

REPORTING REQUIREMENT: By July 20, 2016, if the Complainant accepts the option set forth in item 2 above of having the grade administratively dropped and removed from the Student's transcript as well as allowing the Student to take the course or a comparable course over at no cost to the Student, the College will provide OCR with a copy of the Student's transcript as well as a copy of the Student's enrollment of the course she has selected.

REPORTING REQUIREMENT: By July 20, 2016, if the Complainant selects item 3 which states the Student will be offered a replacement assignment for Exam 1 ESC 1000 Earth Science Lecture. The College will provide documentation of what the assignment is along with details of all the requirements of the assignment.

Training

1. By **October 1, 2016**, the University will initiate annual training at the College regarding the provision of academic adjustments and auxiliary aids to students in their classes.

REPORTING REQUIREMENT: By **November 1, 2016**, the College will provide documentation to OCR demonstrating that the College initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the faculty who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

2. By **September 1, 2016**, the College will make its administrators, faculty and staff available at a mutually agreeable time and place for training by OCR regarding the College's responsibilities under Title VI in regards to retaliation. Thereafter, the College, independent of OCR, will provide training regarding the same topics on an annual basis to its personnel.

REPORTING REQUIREMENT: By September 30, **2016**, or earlier, the College will provide OCR with proposed dates, times, and locations for the training to be conducted pursuant to Item 4 above.

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 Title VI implementing regulations at 34 C.F.R. § 100.7(e).

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 Title VI implementing regulations at 34 C.F.R. § 100.7(e), which was 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.

College President

Date