

**Resolution Agreement
Complaint #04-16-2161
Florida Southwestern State College**

Florida Southwestern State College (College) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to resolve the above-referenced complaint and to ensure compliance with 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department. Accordingly, the College agrees to the following action steps:

Disability Harassment Procedures

1. **By December 31, 2016**, the College will revise its procedures to include the definition of disability harassment including what constitutes an hostile environment, an assurance that the College will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, consistent time frames for filing a complaint for students and employees, state that all parties have an opportunity to present witnesses and other evidence, and that both parties will be provided with a written outcome of the investigation and if applicable the appeal findings.

Reporting Requirement: **By January 5, 2017**, the College will provide OCR with a draft of the revised procedures for OCR's review and approval.

2. **Within 60 days** of OCR's approval, the College will publish the revised policy on its web site and notify the student body by email of the revised procedure providing the student body with a link to the updated procedure. The College shall also publish the revised procedure in the next publication of the student handbook when it is published in the summer of 2017.

Reporting Requirement: **Within 30 days** of the procedures being published to the College's web site, the College will provide OCR with a web link to the procedure and evidence of publication to the student body by email. **Within 30 days** of publication of the student handbook the College will provide a copy of the handbook to OCR.

Training

3. **By March 31, 2017**, the College will provide annual training for staff responsible for investigating complaints of discrimination on the basis of disability on the revised procedures. The College will also provide disability harassment training to the Director of Adaptive Services and all other staff responsible for investigating complaints of disability harassment. The training will include the definition of disability harassment, including what constitutes a hostile environment, and the College's responsibility when it receives a complaint of possible harassment.

Reporting Requirement: By **June 1, 2017**, the College will provide documentation to OCR demonstrating that the appropriate staff has attended the training provided pursuant to Item #3. The documentation shall include, but shall not be limited to: (1) the date(s) of the training session(s); (2) a list of the names and job titles of the staff who participated in the training session(s); (3) a description of the presenter's background and qualifications; and, (4) a copy of the training materials disseminated, or in the event of electronic training, provide the training content.

Complainant Remedy

4. **By October 31, 2016**, the College will offer to conduct an investigation of the Complainant's allegations of disability harassment and give the Complainant an opportunity to provide evidence including witnesses. The investigation will include determining whether the statements made to the Complainant were sufficiently serious as to amount to harassment and create a hostile environment for the Complainant.

Reporting Requirement: **By January 5, 2017**, the College will provide a copy of its investigative file, including the legal standard used, witness statements, notification of outcome in writing and notice of appeal rights to both parties and if applicable any remedies provided to the Complainant to OCR.

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 additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement.

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 Section 504 implementing regulation at C.F.R. §§104.4(a), (b)(1) (i) and (vii) and 104.7(b).

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 signature of the President or designee below.

_____/s/_____

President
Florida Southwestern State College

Date

10/3/16