

Resolution Agreement
Georgia Institute of Cosmetology
OCR Docket #04-16-2173

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Georgia Institute of Cosmetology (“Institute”) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Institute. The Institute assures OCR that it will take the following actions to comply with the requirements of 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), 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 recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR’s investigation, the Institute agreed to resolve the issues of this investigation pursuant to Section 302 of OCR’s Case Processing Manual. Accordingly, to resolve the issues of this investigation, the Institute voluntarily agrees to take the following actions.

I. Changing the Section 504 Grievance Procedures

1. By April 15, 2018, the Institute will develop, subject to OCR’s review and approval, a grievance procedure that meets the requirements of Section 504’s implementing regulation 34 C.F.R. §104.7(b). Within 30 days after receipt of notice that OCR has approved the procedures GIC will adopt, publish and disseminate the procedures. GIC will ensure that these procedures incorporate appropriate due process standards and provide for the prompt and equitable resolution of all complaints by providing:
 - a) notice to students and employees of the procedures, including where complaints may be filed;
 - b) 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 other evidence;
 - c) designated and reasonably prompt timeframes for the major stages of the investigation;
 - d) notification to the complainant and subject of the complaint of the outcome of the investigation; and
 - e) an assurance that Institute will take steps reasonably calculated to prevent the recurrence of any discriminatory harassment found to have occurred and to address its discriminatory effect on the complainant and others, if appropriate.

REPORTING REQUIREMENT: By April 30, 2018 GIC will provide OCR with a copy of the draft grievance procedures for OCR’s review and approval. Within 45 days of OCR’s approval of the grievance procedures, GIC will provide OCR with documentation demonstrating that the grievance procedures have been published.

II. Training for Institute Faculty and Staff

2. Within sixty days of receiving approval from OCR of its Section 504 Policy outlined in paragraph 1, GIC shall provide training to its faculty and staff on the new Section 504 policy and grievance procedures identified in paragraphs 1 and GIC's process for requesting and receiving academic adjustments and auxiliary aids (accommodations) to Students. OCR will provide training to GIC faculty and staff on section 504's general requirement to provide academic adjustments and auxiliary aid.

REPORTING REQUIREMENT: Within sixty (60) days of completion of the training, GIC will provide OCR with documentation that it provided training on the GIC policies identified in paragraph 2, the name and title of the presenter of the training, and the names of the staff who attended. OCR will collect the names of staff and faculty in attendance for the training provided by OCR.

III. Individual Remedies

3. By March 21, 2018 GIC agrees to forgive any balance owed by the Complainant to the Institute.

REPORTING REQUIREMENT: By March 30, 2018 GIC shall provide documentation to OCR that it has canceled all debt owed to GIC.

The Institute 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 Institute understands that during the monitoring of this Agreement, if necessary, OCR may visit the Institute, interview staff, and request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the Institute has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 (a) and (b), 104.8, and 104.21, and Title II, at 28 C.F.R. §§ 35.130, 35.149, and 35.160. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case

The Institute 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 Institute 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 Institute's representative below.

Institute President or Designee

Date