

Palm Beach State College (Florida)
Resolution Agreement
Complaint #04-18-2349

OCR and the Palm Beach State College (College) enter into this agreement to resolve the allegations in the above-referenced complaint. The College assures the U.S. Department of Education, Office for Civil Rights (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. § 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. §§ 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. This agreement does not constitute an admission of wrongdoing, liability, or violation of any of the laws or regulations referenced in this agreement by the College.

Harassment, Sexual Harassment Discrimination, and Retaliation Procedure (Procedure)

1. Within one hundred and twenty (120) days of the date of the execution of this Agreement, the College will revise the Procedure and update its websites, fact sheets, handbook, and catalog to clarify that the Procedure is to be used for investigating complaints of disability discrimination. The Procedure revisions will include:
 - a. A notice to students and employees of the disability-related grievance procedures, including where complaints may be filed and a listing of the 504 Coordinator and other persons responsible for investigating complaints of disability-related grievances under the Procedure at each College campus;
 - b. Specific references to Section 504 and Title II citations; and,
 - c. The provision for adequate, reliable and impartial investigation of complaints, including the opportunity for both the complainant and the accused to present witness information and evidence for the investigator to consider.

REPORTING REQUIREMENT: Within one hundred and twenty (120) days of the date of this Agreement, the College will submit to OCR the revised Procedure.

Thirty (30) days after the College submits the procedures to OCR, the College will adopt and implement the Procedure and will provide all faculty, staff and students with written notice regarding the Procedure together with information on how to obtain a copy of the Procedure. The College will make this notification through the College's website, electronic mail and/or written messages to faculty, staff and students.

Training

2. Within thirty (30) days after the College submits the procedures to OCR, the College will provide Section 504/Title II training to the College administrators and Disability Support Services staff members on the College campuses regarding the revised Procedure and the

requirements of 34 C.F.R. § 104.7(a) and (b) regarding the obligations to conduct a meaningful investigation that incorporates appropriate due process standards and that provides for the prompt and equitable resolution of complaints of alleged disability discrimination.

REPORTING REQUIREMENT: Within forty-five (45) days after the College submits the procedures to OCR, the College will provide OCR with documentation showing that it has provided training in accordance with Item 2. The documentation will include the following: (a) date(s) of the training, (b) the agenda, (c) a copy of handouts or any PowerPoint materials used during the training, (d) the name(s) and qualifications of the individual(s) who provided the training, and (e) dated sign-in sheet(s) containing of the individuals who attended the training.

The College understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the recipient understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement.

Upon the recipient’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the recipient 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.

Ava Parker, President or designee
Palm Beach State College, Florida

Date