

**Resolution Agreement
Acupuncture and Massage College (FL)
OCR Complaint # 04-18-4021**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Acupuncture and Massage College (College), 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 College. The College assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104.

Prior to the completion of OCR's investigation, the College 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 College agrees to take the following actions.

Complainant Focused Remedies

1. By **June 8, 2018**, the College will extend an offer to the Complainant to participate in an interactive process to determine appropriate accommodations for any classes the Complainant may currently be enrolled in and any future classes the Complainant may elect to take at the College. This process shall identify the approved accommodations for the Complainant and the reason for a denial of an accommodation. The College shall make every effort to take reasonable steps to obtain a professional determination as to whether accommodations are appropriate and, if so, what accommodation was necessary before denying the Complainant's accommodations.

REPORTING REQUIREMENT: By **June 15, 2018**, the College will submit to OCR a copy of any documents showing that it engaged in a deliberative process and its decision. This information should include a copy of the written notice of approved accommodations provided to the Complainant. If the College denies any accommodation requested by the Complainant, it shall provide an explanation of the denial and information showing that the College took reasonable steps to ascertain what accommodations were necessary based on the Complainant's disability.

2. The College will provide the Complainant with the written notice of her approved accommodations at the beginning of each new course in which she enrolls at the College.

REPORTING REQUIREMENT: By **September 15, 2018**, the College will submit to OCR documentation, showing that it provided the Complainant with accommodations for each of her courses in which she enrolled through her expected graduation, which is by **August 31, 2018**.

Section 504 Coordinator & Procedures

3. The College will designate an employee to serve as its Section 504 Coordinator and publish the identity (or title), the office address and the telephone number for its Section 504 Coordinator in all publications that reference Section 504 or individuals with disabilities.

REPORTING REQUIREMENT: By **July 31, 2018**, the College will provide OCR with a copy of all of the publication(s), showing that the identity (or title) of the Section 504 Coordinator, and the office address and telephone number.

4. The College will replace the replace the term “nondisqualifying disability” with disability wherever the term is used in its Nondiscrimination Notice, Student Handbook and Catalog.

REPORTING REQUIREMENT: By **July 31, 2018**, the College will provide OCR with documentation, showing that it replaced the term “nondisqualifying disability” with disability wherever the term was used in its Nondiscrimination Notice, Student Handbook and Catalog.

5. The College will revise the College’s Catalog to direct students who need to request accommodations to the “Requesting a Reasonable Accommodations” flyer or form.

REPORTING REQUIREMENT: By **July 31, 2018**, the College will provide OCR with documentation, showing that it revised the Catalog to include the language described in Item 5.

6. The College will revise and submit to OCR for its review and approval draft grievance procedures to address discrimination and harassment complaints under Section 504 alleged to have been committed by faculty, staff members, students, or third parties (such as members of the general public or vendors). The College will ensure that these procedures provide for the prompt and equitable resolution of all complaints and will include, at a minimum, the following:

- (a) Notice to students and employees of the grievance procedures, including where complaints may be filed;
- (b) Application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or harassment carried out by employees, other students, or third parties;
- (c) Provision for adequate, reliable and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
- (d) Designated and reasonably prompt time frames for the major stages of the complaint process;
- (e) Written notice to the complainant and alleged perpetrator of the outcome of the complaint; and

- (f) Assurance that the College will take steps to prevent recurrence of any disability-based discrimination or harassment and remedy the discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENTS:

(1) By **July 31, 2018**, the College will submit to OCR for its review and approval, the revised grievance procedures.

(2) By **August 31, 2018**, or within 30 days of OCR's approval of the revised procedures, whichever is later, the College will adopt and implement the revised procedures and will provide all faculty, staff and students with written notice regarding the procedures together with information on how to obtain a copy of the procedures. The College will make this notification through the College's website; electronic mail messages to faculty, staff and students; and employee and student handbooks.

Training

7. By **September 1, 2018**, the College will initiate annual training for College administrators, faculty and staff involved in the determination and implementation of academic adjustments and/or auxiliary aids (accommodations) under Section 504 on the requirements of Section 504.

REPORTING REQUIREMENT: By **September 15, 2018**, 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 College faculty and staff who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of the determination and implementation of accommodations and Section 504; and (4) a copy of the training materials disseminated.

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 C.F.R. § 104.44(a)-(d). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

Superintendent or Designee

Date