

Resolution Agreement
Carleton College
OCR Complaint # 05-15-2417 and # 05-15-2482

Carleton College (College) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve OCR complaint # 05-15-2417 and # 05-15-2482. The College submits this agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104.

Statement of Non-Discrimination¹

1. By February 26, 2016, the College will review and revise as necessary, the College's Statement of Non-Discrimination to include the following:
 - a) A statement setting forth the College's commitment to having a College environment free from disability discrimination and harassment;
 - b) an explanation that the College prohibits disability discrimination and harassment occurring on campus or in a College education program or activity off campus;
 - c) A statement encouraging individuals to immediately report incidents of disability discrimination and harassment;
 - d) A statement emphasizing that responsible employees are required to promptly report incidences of disability discrimination and harassment to the appropriate coordinator(s);
 - e) Notice that the College maintains complaint procedures for investigation of disability discrimination and harassment complaints;
 - f) A statement that the College will investigate all complaints of disability discrimination and harassment;
 - g) A statement to encourage persons who believe that they been subjected to disability discrimination and harassment to report the incident(s) to the College and note the College's commitment to conducting a prompt investigation;
 - h) A reminder that responsible employees are expected to report all allegations of disability discrimination and harassment of which they become aware to the designated staff members;
 - i) The appropriate contact information for the designated staff member(s) to whom students may report allegations of disability discrimination and harassment;
 - j) A statement indicating that students or employees who retaliate against individuals who report disability discrimination or harassment will be promptly disciplined.

¹ The College may include in its Statement of Non-Discrimination, other bases legally protected from discrimination, to include but not limited to race, color, national origin, sex, and age.

Disability Discrimination and Harassment Grievance Procedures

2. By February 26 2016, the College will review and revise, as necessary, its grievance procedures providing for the prompt and equitable resolution of any complaints alleging disability discrimination or harassment, including those filed by faculty, staff, students, applicants or third parties. The College will ensure that its grievance policies and procedures include, at a minimum, the following:
 - a) Examples of the kinds of activities and sites where prohibited conduct could occur;
 - b) Identification of the kinds of activities and sites where prohibited conduct could occur;
 - c) An explanation of how to report disability discrimination and harassment and/or file a complaint against faculty, staff, or students including the name or the individual who receives the reports, and the address, phone number and email address for the College's Section 504 Coordinator(s);²
 - d) A description of the complaint procedure for complaints against faculty, staff and students (if different procedures), including but not limited to:
 - i. A statement that complaints may be made in writing or orally to the person designated to receive complaints, but that all complaints will be required to provide either a written statement of their complaint or to confirm the accuracy of a written statement of the complaint to be investigated;
 - ii. Designated and reasonably prompt timeframes for major stages of the investigation and for completion of the investigation of a complaint;
 - iii. Notice that the College will keep the complaint and investigation confidential to the extent possible;
 - iv. A requirement that written notice of the outcome be provided to the parties;
 - v. A requirement that both parties will be given opportunity to present evidence;
 - vi. An assurance that both parties will receive periodic status updates (to the extent permitted under the Family Educational Rights and Privacy Act);
 - vii. A statement that students with disabilities may request assistance from the disability services office;
 - e) An assurance that the College uses in its investigation of complaints a preponderance of the evidence standard of review (i.e., it is more likely than not that disability discrimination occurred);

² The College's Section 504 Coordinator(s) or another employee can be designated to receive and process complaints under this procedure.

- f) A requirement that designated employee(s) at the College document all reports of incidents of disability discrimination and harassment, and that the College establish a protocol for recordkeeping of such incidents;
- g) A statement that the College will take appropriate disciplinary action against faculty, staff, and students who violate the College's policies and procedures addressing disability discrimination and harassment, and examples of the range of possible disciplinary sanctions;
- h) A prohibition of retaliation against persons who report disability discrimination and harassment or participate in related hearings or investigations, and discipline of individuals who engage in retaliation; and
- i) Identification of the means to investigate incidents of disability discrimination, harassment and retaliation including but not limited to the various steps the College will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the College will take action to stop the disability discrimination or harassment, remedy the disability discrimination or harassment, and prevent recurrence, and the College's standards for determining whether a hostile environment exists.

Determining Reasonable Accommodations³ Policy

- 3. By February 26, 2016, the College will also review and revise, as necessary, its policies and procedures for providing reasonable accommodations pursuant to Section 504. The College will ensure that its policies and procedures include, at a minimum, the following:
 - a) An explanation of the Section 504 regulations regarding reasonable accommodations, including the definition of individuals eligible to apply for accommodations;
 - b) A description of the types of accommodations available for students;
 - c) A detailed explanation of the process for applying for reasonable accommodations;
 - d) An explanation of documentation required to apply for and/or receive reasonable accommodations;
 - e) An explanation of the College's deliberative process for approving and denying reasonable accommodations, including an explanation of the interactive process to be engaged in by both parties;
 - f) An explanation of the appeal process pertaining to the denial of accommodations; and,
 - g) A prohibition against retaliation.

³ Pursuant to Section 504 at 34 C.F.R. §104.44 *et seq.*, the term, "reasonable accommodations," herein shall encompass academic adjustments, modifications to academic requirements, and auxiliary aids and services.

REPORTING REQUIREMENT: By **February 26, 2016**, the College will submit to OCR for its review and approval the revised Statement of Non-Discrimination, the revised Disability Discrimination and Harassment Grievance Procedures and the revised Determining Reasonable Accommodations Policy referenced in Items ## 1, 2 and 3.

Within 15 days of OCR's approval of Items #1, 2 and 3, the College will widely publish the Statement of Non-Discrimination, Disability Discrimination and Harassment Grievance Procedures and the Determining Reasonable Accommodations Policy by posting them on the College's website in the student and employee handbooks. The College will submit documentation that it published the policies referenced in Items ## 1, 2 and 3 within 30 days of publication.

Student Training

4. The College will provide training for all students and will include in such training a substantive overview of Section 504, review of the revised Statement of Non-Discrimination, the revised Disability Discrimination and Harassment Grievance Procedures and the revised Determining Reasonable Accommodations policies and procedures. This training will include the following components, at a minimum, pertaining to peer, faculty, staff and third party disability discrimination and harassment based on disability:
 - a) The College will remind all students of its commitment to having a College environment free from disability discrimination and harassment and explain what they should do if they are discriminated against, harassed or witness disability discrimination or harassment;
 - b) The College will provide a general overview of Section 504, including how the law's non-discrimination provisions apply to students, employees, applicants and third parties; the names and contact information for the designated employee(s) to whom students or others may report allegations of disability discrimination and harassment, where to locate the College's Disability Discrimination and Harassment Grievance Procedures on the College's website, and the existence of OCR and its authority to enforce Section 504;
 - c) The College will explain its Disability Discrimination and Harassment Grievance Procedures, including an explanation of what constitutes disability discrimination and harassment, the role of the College's Section 504 Coordinator, and disciplinary sanctions related to findings of violations of the College's Disability Discrimination and Harassment Grievance Procedures, including the College's policy prohibiting retaliation; and
 - d) The College will review the Determining Reasonable Accommodations policy including the procedures for applying for accommodations, documentation required for approval of accommodations and the grievance process for the denial of accommodations.

REPORTING REQUIREMENT: By **April 29, 2016, September 30, 2016, and September 30, 2017**, the College will provide documentation to OCR that it has provided the training required in Item # 4.

Employee Training

5. The College will conduct annual training of all individuals involved in processing, investigating and/or resolving complaints or other reports of disability discrimination, harassment and retaliation and will include in such training an overview of Section 504 and the revised Statement of Non-Discrimination, the revised Disability Discrimination and Harassment Grievance Procedures and the revised Determining Reasonable Accommodations Policy. This training will include the following components, at a minimum, pertaining to peer, faculty, staff and third party harassment:
 - a) the College will remind all employees of its commitment to having a College environment free from disability discrimination and harassment and explain what they should do if they receive a report or otherwise become aware that students may have been subjected to discrimination and harassment, including their duty to immediately report all allegations of possible harassment to the appropriate Section 504 Coordinator;
 - b) the College will provide a general overview of Section 504, including how the law's disability discrimination provisions apply to students, employees, applicants and third parties; the names and contact information for the designated employee(s) to whom students or others may report allegations of disability discrimination or harassment; where to locate the College's Disability Discrimination and Harassment Grievance Procedures on the College's website; and the existence of OCR and its authority to enforce Section 504;
 - c) the College will explain its Section 504 policies and procedures, including an explanation of what constitutes disability discrimination and harassment, the role of the College's Section 504 Coordinator, and disciplinary sanctions related to findings of violations of the College's Disability Discrimination and Harassment Grievance Procedures, including the College's policy prohibiting retaliation; and
 - d) The College will review the Determining Reasonable Accommodations Policy including the procedures for applying for accommodations, the steps employees should take upon receipt of a reasonable accommodation request, documentation required for approval of accommodations and the grievance process for the denial of accommodations.

REPORTING REQUIREMENT: By **April 29, 2016, September 30, 2016, and September 30, 2017**, the College will provide documentation to OCR that it has provided the training required in Item # 5.

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The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that, during the monitoring of this Agreement, OCR may visit the College, interview students, administrators or staff, 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 regulations implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. § 106.8 and § 106.9, which were at issue in this complaint.

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 implementing regulations which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Carleton College:

/s/ _____
President
Carleton College

Date