



RESOLUTION AGREEMENT

Vista College

OCR Case Number: 06-18-2340

The U.S. Department of Education, Office for Civil Rights (OCR) and Vista College (College) enter into this agreement to resolve the allegations in the above-referenced complaint. This College 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 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

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.

Action Item 1

- A. The College will review and revise its current Section 504 non-discrimination notice to ensure it includes the identification of the responsible employee designated to coordinate the College's compliance with Section 504 (Section 504 Coordinator) pursuant to 34 C.F.R. §§ 104.7 and 104.8.
- B. The College will review and revise its current grievance procedures to ensure that the procedures incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints of disability discrimination. The College shall ensure that the revised policies/procedures include at a minimum, the following:
 - i. Notice of the grievance procedures, including where complaints may be filed, that is easily understood, easily located, and widely distributed;
 - ii. Application of the procedures to complaints alleging disability discrimination carried out by employees, other students, or third parties;
 - iii. Provisions for adequate, reliable, and impartial investigation of complaints, including an equal opportunity to present witnesses and evidence;
 - iv. Designated and reasonably prompt time frames for the major stages of the grievance process, as well as the process for extending timelines;
 - v. Notice to the parties of the outcome of the complaint;
 - vi. Assurance that, if discrimination, harassment, or retaliation has occurred, appropriate corrective and remedial actions will be taken as well as actions to prevent recurrence, with examples of the range of possible disciplinary sanctions, and to remedy the discriminatory effects on the complainant and others, if appropriate;
- C. Upon OCR's approval, the College will adopt and publish the OCR-approved notice of non-discrimination and grievance policies and procedures in its electronic and printed materials. For printed materials, inserts may be used pending reprinting. The College will

provide all administrators, faculty, staff, and students with written notice regarding how to obtain a copy of the revised notice of non-discrimination and grievance policies and procedures.

Reporting Requirements: Action Item I

- A. By **January 31, 2019**, the College will provide to OCR, *for review and approval*, copies of the revised policies and notice of non-discrimination referenced in Action Item 1.
- B. Within **15 calendar days** after OCR's approval, the College will provide OCR with documentation evincing how the revised policies and notice of non-discrimination was disseminated to students and employees. At a minimum, the College will provide:
- i. Documentation demonstrating where the revised policies and notice of non-discrimination are published; and
 - ii. Documentation demonstrating how notice of where to find copies of the revised policies was provided to administrators, faculty, staff and students (e.g., through the College's website, electronic mail messages, any regularly issued print or electronic newsletters, or any additional means of notification the College deems effective to ensure that the information is widely disseminated.)

The College understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. Part 104. 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.

This Agreement will become effective immediately upon the signature of the College's representative below.

P. Michael Linzmaier, Ph.D.
SVP, Academics
Vista College

Date