

RESOLUTION AGREEMENT
Southeast Community College
Docket # 07162114

The Southeast Community College (College), Lincoln, Nebraska, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the Complainant's allegation in OCR Docket No. 07162114. The College, as a recipient of Federal financial assistance, is subject to the requirements of 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; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35.

This Agreement addresses the Complainant's allegation that the College discriminated against the Complainant on the basis of disability in violation of 34 C.F.R. §104.44 when his instructor gave him a failing grade on a quiz he was unprepared to complete because of his disability-related absence in XXXXX XXXXX.

The College voluntarily agreed to resolve the complaint prior to the conclusion of OCR's investigation into the complaint allegation. OCR did not conduct any further investigation and considers the complaint to be resolved upon completion of the following action steps listed below.

This Agreement does not constitute an admission by the College of a violation of Section 504, Title II, or any other law enforced by OCR.

The College agrees to take the following actions:

RETAKE XXXXX COURSE

1. **Within ten (10) calendar days** of signing this Agreement, the College will contact the Complainant and provide a written offer for him to retake XXXXX at no cost to the Complainant. The course must be taken in-person and will not be available online.
2. The Complainant will have ten (10) calendar days to respond to the College to inform them whether he intends to retake the course.

REPORTING REQUIREMENTS: **Within thirty (30) calendar days** of signing this Agreement, the College will provide OCR with documentation showing that the College submitted a written offer to the Complainant as well as documentation of the Complainant's response to the College's offer.

MEETING TO DISCUSS ACADEMIC ADJUSTMENTS/AUXILIARY AIDS

3. **Within ten (10) calendar days** from the date this Agreement is executed, the College

shall contact the Complainant in writing to schedule a meeting at a mutually agreeable date and time, which shall include the Complainant and anyone else the Complainant wishes to participate in the meeting.

- a. The meeting participants will discuss the Complainant’s disability and what academic adjustments and/or auxiliary aids are necessary to ensure an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as nondisabled students in the most integrated setting appropriate to the Complainant’s needs.
- b. If the Complainant declines to participate or does not respond to the College’s written invitation for a meeting (pursuant to this provision) within three weeks (3) from the date of invitation, the College’s obligations under this individual relief section will be deemed to have been met.

REPORTING REQUIREMENTS: Within forty-five (45) calendar days from the date this Agreement is executed the College will submit to OCR for its review and approval documentation of the following:

- a. if the Complainant agrees to participate in the meeting, the identity of the participants in the meeting by name and title, all documents reviewed in preparation for or during the meeting, and records of what decisions were made at the meeting;
- b. if the Complainant declines to participate in the meeting, documentation evidencing that decision; or
- c. if the Complainant does not respond to the College’s written invitation within three (3) weeks from the date of invitation, a statement to that effect.

TEXTBOOK PAYMENT PLAN

4. **Within ten (10) calendar days** of signing this Agreement, the College will send the Complainant a proposed payment plan for the amount owed to the College for the textbooks he purchased at the College book store.

REPORTING REQUIREMENTS: Within ten (10) calendar days of providing this information to the complainant, the College will provide OCR with documentation showing the College informed the Complainant of the proposed payment plan, as well as a copy of the proposed payment plan.

FINANCIAL AID

5. **Within ten (10) calendar days** of signing this Agreement, the College will meet with the Complainant to discuss and propose a plan for the Complainant to become eligible to receive student financial aid.

REPORTING REQUIREMENTS: **Within ten (10) calendar days** of the meeting, the College will submit to OCR a copy of the proposed plan for OCR’s review and approval.

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 regulations implementing Section 504 at 34 C.F.R. Part 104 and Title II at 28 C.F.R. Part 35, which were at issue in this case.

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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR’s review and approval. 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 regulations implementing Section 504 at 34 C.F.R. Part 104 and Title II at 28 C.F.R. Part 35, which were at issue in 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.

Dr. Paul Illich, President

August 2, 2017