

**Resolution Agreement**  
**OCR Case No. 07-17-2005**  
**Metro Technology Centers**

Metro Technology Centers (the Centers) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education (Department), Office for Civil Rights (OCR) to ensure its compliance under 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. Section 504 and Title II prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and public entities, respectively.

To ensure compliance with Section 504 and Title II and their implementing regulations, the Centers agrees to take the following actions. Nothing in this Agreement is to be construed as an admission of liability or wrongdoing by the Centers.

**Review of Grievance Procedures**

1. The Centers will conduct a comprehensive review of all current policies and procedures relating to disability discrimination, including disability harassment, to ensure that they adequately address any incident of disability discrimination and provide for the prompt and equitable resolution of complaints alleging disability discrimination. The Centers will revise or eliminate the policies and procedures as appropriate, including revising or adding cross references and links between the various documents to ensure the policies and procedures, guidelines, and other documents are internally consistent and do not contain conflicting/contradictory information and include the following:
  - a. Notice that the grievance procedure applies to complaints by students alleging discrimination on the basis of disability (including disability harassment, and may include other bases) by employees, other students, or third parties;
  - b. An explanation of how to file a complaint pursuant to the procedure;
  - c. The name/title, office address, telephone number, and email address of the individual(s) with whom to file a complaint;
  - d. Definitions and examples of what types of actions may constitute disability discrimination (including disability harassment, and may include other bases);
  - e. Steps the Centers will take to conduct an appropriate and impartial investigation of complaints, and interim measures the Centers may take during the investigation;

- f. An assurance that the Centers will offer counseling and academic support services to a person found to have been subjected to harassment; and, where appropriate, to person(s) who committed the harassment;
- g. Designated and reasonably prompt timeframes for major stages of the complaint receipt, review, investigation and resolution process, including the appeal process, if any;
- h. An opportunity for the parties to provide witnesses and other evidence;
- i. Written notice to the parties of the outcome to the extent permitted by law;
- j. Notice of the opportunity for parties to appeal the findings, if an appeal is allowed; and, an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker, who may be an employee or other designee of the Centers;
- k. Examples of the range of possible disciplinary sanctions and the types of remedies available to address the effects on victims and others;
- l. An assurance that the Centers will take steps aimed at preventing the recurrence of discrimination and harassment, and correcting its discriminatory effects, if appropriate; and,
- m. A statement that the Centers prohibits retaliation against any individual who files a complaint or participates in a complaint investigation.

**REPORTING REQUIREMENT:** By July 30, 2017, the Centers will submit to OCR for review and approval its revised policies and procedures referenced in this item.

- 2. Following receipt of notice of OCR's approval of the policies and procedures referenced in Item 1, the Centers will adopt, implement, and publish the revised policies and procedures. Publication will include written notice of the Centers' formal and informal complaint procedures, to the Centers' community, including students, administrators, and staff. The Centers will make this notification available through the Centers' website, revised student handbooks, and any other additional means of notification the Centers deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** Within thirty (30) days after the completion of Item 2, the Centers will provide OCR with documentation that it has completed this Item for review and approval, including copies of the written notices to students, administrators, and staff regarding the revised policies and procedures and a description of how the notices were distributed, copies of its revised student handbooks, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the Centers.

**Staff Training**

3. On an annual basis, the Centers will provide training to all Centers staff who are directly involved in processing, investigating and/or resolving complaints or other reports of disability discrimination, including harassment complaints, and any other Centers personnel who are likely to receive reports of such discrimination or harassment. The training will review the Centers’ policies and procedures on disability discrimination, and include instruction on how to conduct and document discrimination and/or harassment investigations in an adequate, reliable and impartial manner; including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the Centers’ policy prohibiting discrimination and/or harassment.

REPORTING REQUIREMENT: By October 30, 2017, the Centers will provide OCR with a report demonstrating implementation of Item 3 for review and approval. In particular, the Centers will provide documentation indicating the date of the training, lists of the trainers and attendees, topics covered during the programs, and copies of the materials, if any, used in the training. Unless otherwise requested by OCR, the Centers does not need to submit information regarding future training dates and attendees to OCR.

The Centers understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Centers understands that, during the monitoring of this Agreement, OCR, with prior written notice to the Centers’ Superintendent/CEO, may visit the Centers, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Centers 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 Centers understands that OCR will not close the monitoring of this agreement until OCR determines that the Centers has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this case. The Centers 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 proceeding to enforce this agreement, OCR shall give the Centers written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

4/11/17  
Date

/S/  
Dr. Elaine Stith, Superintendent/CEO  
Metro Technology Centers