

## Resolution Agreement

### Scottsdale Community College Complaint No. 08-15-2175

In order to resolve the allegation in Case Number 08-15-2175, filed against Scottsdale Community College (“College”) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) 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. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the College agrees to implement the following Resolution Agreement.

During the course of OCR’s investigation, before OCR had made any findings, the College indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The College’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. Within seven calendar days of the effective date of this Agreement, the College will process the complainant’s discrimination complaint<sup>1</sup> in accordance with the College’s identified Section 504 and Title II grievance procedures. The College will provide the complainant with a written response to his complaint. If the College finds that discrimination occurred, the College will take appropriate responsive action.

**REPORTING REQUIREMENT:** By **November 2, 2015**, the College will provide OCR with copies of all documentation related to its processing of the complainant’s disability-related complaint. This includes, but is not limited to:

- a. The complaint;
- b. A list of individuals interviewed;
- c. Individual interview or written statements;
- d. Findings and determinations;
- e. Written verification of the College’s actions to redress any findings of disability discrimination; and
- f. All complaint-related correspondence with the complainant.

OCR will review the documentation submitted to ensure that the College met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. § 104.7(b) and Title II, at 28 C.F.R. § 35.107(b) in processing the complainant’s disability-related complaint.

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<sup>1</sup> As communicated by the complainant to the Disability Resource and Services Director on January 5, 2015.

If the College appropriately processes the complainant's disability-related complaint in compliance with the Section 504 and Title II regulations, OCR will notify the College of this determination and the monitoring will be closed.

2. If necessary, the College will take action to address any concerns identified by OCR with respect to the processing of the complainant's disability-related complaint, until OCR determines that the College has met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. § 104.7(b) and Title II, at 28 C.F.R. § 35.107(b). The case will remain in monitoring until the College demonstrates compliance with the procedural requirements of Section 504 and Title II, which were at issue in this complaint.

**REPORTING REQUIREMENT:** Within 30 calendar days of the date OCR notifies the College of procedural concerns regarding the College's processing of the complainant's disability-related complaint, the College will provide a description of the corrective action taken in response to OCR's concerns.

3. The College will draft for OCR's approval in-service training materials and identify one or more persons knowledgeable about Section 504, Title II and the College's procedures who will provide the training. The training information will include, at minimum:
  - a) Identification of the College's Section 504 and Title II Coordinator(s) and an explanation of how the College's Section 504 and Title II Coordinator(s) can assist administrators, faculty and staff with questions or concerns related to Section 504 and Title II and
  - b) A review of the College's discrimination complaint investigation procedures including the College's responsibility to promptly investigate and to appropriately respond when put on notice of alleged disability discrimination (including harassment and retaliation), even if a formal complaint is not filed, and information about each employee's responsibility to respond promptly and appropriately when they believe or are notified that disability discrimination might have occurred, and applicable procedures including information on how to identify a potential disability discrimination complaint and where to refer individuals who wish to file a disability discrimination complaint.

**REPORTING REQUIREMENT:** By **September 14, 2015**, the College will submit to OCR:

- The draft training materials for OCR's review and approval and
- Identification of the intended trainer(s) and information about the trainer's qualifications.

4. Within **60 calendar days** of receiving OCR approval of the proposed training materials, the College will conduct the training specified in Agreement Item 3 for all faculty, staff and administrators.

**REPORTING REQUIREMENT:** Within ten (10) calendar days after the conclusion of the training, the College will submit to OCR proof that the training was provided. Such documentation will include:

- The agenda and handouts for the training;
- The date and time the training was held; and
- A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from the College that all required attendees were present during the training.

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 the Agreement, if necessary, OCR may visit the College, interview College employees 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. § 104.7(b) and Title II, at 28 C.F.R. § 35.107(b), which were at issue in this case.

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. § 104.7(b) and Title II, at 28 C.F.R. § 35.107(b).

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 a minimum of sixty (60) calendar days to cure the alleged breach.

For Scottsdale Community College:

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**8/31/15**

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David Martin  
Director of Purchasing, Aux. Svcs.

Date