

**Resolution Agreement  
Mesa Community College  
Complaint No. 08-15-2185**

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 Title VI. 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 allegations and issues, and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation. 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.

In order to resolve the allegations presented in Case Number 08-15-2185, filed against Mesa Community College (College) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000 d, and its implementing regulation at 34 C.F.R. Part 100; Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, the College agrees to implement the following Resolution Agreement:

**RESOLUTION ACTIONS**

**1) Investigation of Race Complaint**

Within 30 days of the effective date of this agreement, the College will conduct an investigation of the Complainant's race discrimination allegations: that he was subjected to racial harassment by his Reading instructor and that his Reading instructor treated him differently because of his race in responding to his questions and providing teaching assistance.

If racial discrimination is found to have occurred, the College will take appropriate disciplinary action with the Reading Instructor, consistent with the College's discipline policies and procedures, and take steps designed to remediate any effects of the discrimination on the Complainant, such as permitting the Complainant to retake the Reading course with no additional fees.

Within seven days of completion of the investigation, the College will notify the complainant in writing of its determination.

**REPORTING REQUIREMENT:**

By December 1, 2015, the College will provide OCR documentation demonstrating completion of this term to include a copy of the College's investigation, copies of the evidence gathered during the investigation, documentation of any actions taken to remedy the effects of racial discrimination, if found, and a description of disciplinary action taken with the Reading instructor, if warranted.

The College understands that OCR will review the documentation to determine if the College appropriately investigated the allegation by gathering the necessary information and applying the correct legal standard(s). The College will respond to OCR's feedback until OCR determines that the College appropriately investigated the Complainant's allegations.

## **2) Investigation of Disability Allegation**

Within 30 days of the effective date of this agreement, the College will conduct an investigation of the Complainant's disability discrimination allegation that he was withdrawn from his course because of his disability.

If disability discrimination is found to have occurred, the College will take appropriate disciplinary action with the second Reading Instructor, consistent with the College's discipline policies and procedures, and take steps designed to remediate any effects of the discrimination on the Complainant, such as permitting the Complainant to retake the Reading course with no additional fees.

Within seven days of completion of the investigation, the College will notify the complainant in writing of its determination.

### **REPORTING REQUIREMENT:**

By December 1, 2015, the College will provide OCR documentation demonstrating completion of this term to include a copy of the College's investigation, copies of the evidence gathered during the investigation, documentation of any actions taken to remedy the effects of racial discrimination, if found, and a description of disciplinary action taken with the Reading instructor, if warranted.

The College understands that OCR will review the documentation to determine if the College appropriately investigated the allegation by gathering the necessary information and applying the correct legal standard. The College will respond to OCR's feedback until OCR determines that the College appropriately investigated the Complainant's allegations.

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 Title VI, Section 504 and Title II, which were at issue in this case.

The College understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the College has fulfilled the terms of the Agreement and is in compliance with the statute and regulations that 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For Mesa Community College:

---

*/s/* **10/5/2015**  
Margaret McConnell, Assistant General Counsel [DATE]