

## RESOLUTION AGREEMENT

### Central New Mexico Community College Case Number 08-16-2108

In order to resolve the open allegations in Case No. 08-16-2108, filed against Central New Mexico 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 take the actions outlined in this 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*, complaint allegations and issues 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 agreement's remedies align with the allegations and issues. The Agreement requirements are aligned with the identified issues and consistent with Section 504's and Title II's regulatory requirements. The College's decision to enter into this agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. By August 31, 2016, the College shall designate at least one person to coordinate the College's efforts to comply with the requirements of Section 504 and Title II (504/Title II Coordinator) and 34 C.F.R. § 104.7 and 28 C.F.R. § 35.107.

**REPORTING REQUIREMENT:** By August 31, 2016, the College will provide for OCR's review the designated 504/Title II Coordinator's credentials and qualifications, which demonstrate the 504/Title II Coordinator's ability to appropriately meet the College's compliance obligations.

If OCR determines that the designated individual lacks the necessary qualifications, the College will develop a plan for immediately providing relevant training to the individual. Within 30 calendar days of notification from OCR that training is necessary, any necessary training must be completed. Within 45 calendar days of notification from OCR that training is necessary, the College will provide to OCR documentation that the designee has completed the training.

2. By August 31, 2016, the College will publish a notice of nondiscrimination in accordance with 34 C.F.R. § 104.8. The revised notice of nondiscrimination will include effective notice of the 504/Title II Coordinator, including at a minimum the employee's title and contact information, in accordance with 34 C.F.R. § 104.7(a) and 28 C.F.R. § 35.107. Additional guidance on notices of nondiscrimination can be found at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

**REPORTING REQUIREMENT:** By August 31, 2016, the College will provide OCR, for OCR'S approval, a copy of the notice of nondiscrimination.

3. The College will fully address any comments by OCR and will continue to modify its revised notice of nondiscrimination until it receives OCR approval. Within thirty (30) calendar days of OCR'S approval of the revised notice of nondiscrimination, the College will take action to appropriately publish and disseminate the notice system-wide, using its standard methods for disseminating new information and procedures that impact the College'S student population.

**REPORTING REQUIREMENT:** Within fifteen (15) calendar days of full dissemination of the approved notice of nondiscrimination, the College will provide OCR (1) a copy of the notice as officially adopted and published, and (2) documentation of its actions to publish the notice.

4. By August 31, 2016, the College will designate one single contact person for the Complainant to communicate with regarding her academic adjustments.

**REPORTING REQUIREMENT:** By August 31, 2016, the College will provide to OCR documentation of the name of the designated contact person.

5. The Complainant is expected to complete her current academic program by XXX. Before the start of each of the Complainant'S remaining semester(s), the contact person designated pursuant to this paragraph will meet with the Complainant to discuss how the College can meet her needs in her remaining semester(s) and to agree on and approve any reasonable academic adjustments that will be implemented for that semester. The College will ensure that the Complainant receives her approved academic adjustments for each of her remaining semester(s).

**REPORTING REQUIREMENTS:** Within 15 calendar days of the start of Complainant'S remaining semester(s), the College will provide to OCR documentation of the date and time of the meeting between the Complainant and the designated contact person and a summary of the discussion, including a list of approved academic adjustments; or alternatively, a statement indicating that the Complainant declined the meeting.

At the completion of each of the Complainant'S remaining semester(s), the College will provide a report to OCR summarizing the academic adjustments provided to the Complainant, the efficacy of those adjustments, and a list of the Complainant'S grades for the semester.

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 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 Section 504 and its implementing regulation at 34 C.F.R. part 104 and Title II and its implementing regulation at 28 C.F.R. part 35, 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 Section 504 and its implementing regulation at 34 C.F.R. part 104 and Title II and its implementing regulation 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 the Agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

August 3, 2016

\_\_\_\_\_  
For Central New Mexico Community College  
Name:  
Title:

\_\_\_\_\_  
Date