

Voluntary Resolution Agreement

Laramie County Community College OCR Case Number 08-16-2239

In order to resolve the allegations and issues identified during the investigation of Case Number 08-16-2239 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Laramie County Community College (College) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 Code of Federal Regulations Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at Part 35, and Title IX of the Education Amendments of 1972 (Title IX)¹ and its implementing regulation at Part 106, the College agrees to take the actions outlined in this Voluntary Resolution Agreement (Agreement).

The College's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such. This Agreement does not relieve the College from fulfilling its other obligations under Section 504, Title II, or Title IX, or resolve any other individual or class complaints pending against the College.

VOLUNTARY RESOLUTION ACTIONS:

Procedural Requirements:

1. By September 15, 2017, the College will provide written or electronic notice to its students that the College does not tolerate discrimination on the basis of disability. This notice will identify the College's Section 504/Title II Coordinator, including contact information that is consistent with the information currently included in its Nondiscrimination Statement. 34 C.F.R. §§ 104.7, 104.8, and 28 C.F.R. §§ 35.106 and 35.107.

REPORTING REQUIREMENT: *By September 30, 2017*, the College will provide documentation demonstrating completion of Agreement Term 1, including copy of the final notice, and documentation of delivery of the notice to students.

Academic Adjustments (Accommodations):

2. The College will review and revise procedures for requesting academic adjustments (including auxiliary aids and services) to ensure that qualified students with disabilities receive necessary, timely and effective academic adjustments in compliance with Section 504 at 34 C.F.R. § 104.44. Specifically, the College's procedures will provide for:
 - a. An interactive process between a trained College official(s), such as a Disability Support Services Officer or the Section 504 Coordinator, and the requesting student with a disability;

¹ The complainant alleged retaliation pursuant to Title IX of the Education Amendments of 1972. This Agreement addresses individual remedy resolving this allegation without any comment on the College's Title IX grievance procedures. Specifically, this Agreement does not address the appropriateness or adequacy of the College's required Title IX procedures, which are specifically at issue and currently subject to review in OCR case number 08-16-2031.

- b. A process to identify effective alternatives if a requested academic adjustment is denied, and a process to ensure the academic adjustments provided are effective and useable by the student;
 - c. Notice to the student's instructors of the required academic adjustments, and confirmation of receipt of the notice by the receiving instructors.
3. The revised procedures will specifically include: language indicating that the College provides all required academic adjustments a student with a disability is legally entitled to receive pursuant to the requirements of Section 504 and Title II; that a student may file a disability discrimination complaint if they believe the College is discriminating based on disability; and the contact information for the College's Section 504/Title II Coordinator.
 4. The College will ensure that its revised procedures do not, through language or implementation, create a chilling effect for students or prospective students with disabilities. Specifically, the College will ensure the procedures:
 - a. Work with the student to determine appropriate methods of communication so as to not impose an undue burden on the requesting student (*e.g.*, require that the student hand deliver notice to instructors of his or her approved academic adjustments, require ongoing requests or notice to the instructor requesting or seeking implementation of previously approved testing academic adjustments).
 - b. Do not include language indicating that a student should disclose his or her disability in advance of enrollment, or that the student is requested or required to meet with the College's disability services office prior to admission.
 - c. Do not imply or state that the student should find or seek a college that is more willing to provide requested or required academic adjustments.
 - d. Clearly indicate that all approved academic adjustments will be provided with fidelity, and will not unilaterally be altered by an instructor based upon what that instructor perceives as appropriate or adequate modifications for their course.
 - e. Require that the College will maintain in good repair or timely replace defective equipment used to deliver auxiliary aids and services. The College may recoup the cost of repair or replacement of equipment only when damage is the direct result of abuse or deliberate misuse by a student.

REPORTING REQUIREMENT: By July 15, 2017, the College will submit to OCR a copy of the draft procedures required by Agreement Terms 2-4 for review and approval.

5. Within 30 days after receiving OCR's approval of the procedure for requesting academic adjustments, the College will take action to appropriately publish and disseminate the procedures system-wide, using its standard methods for disseminating new information and procedures that impact the College's student population (*e.g.*, through its website and in its Student Handbook(s)).

REPORTING REQUIREMENT: Within 2 weeks of receiving OCR's approval, the College will provide OCR documentation demonstrating the completion of Agreement Term 5.

6. Within 90 days of OCR's approval of the revised procedures for requesting academic adjustments, the College will provide training on the new procedures to all College personnel who may be involved in or need knowledge of the approved procedures, including all instructors, administrators, academic advisors, Disabled Student Services Office staff, and the College's Section 504/Title II Coordinator. The training will specifically highlight revisions and changes from the College's previously implemented procedures.

Within 30 days of OCR's approval of the revised procedures and prior to implementing the training, the College will provide the name and qualifications of the trainer, a draft of the training materials, and proposed schedule for completing the training for OCR's review and approval. The College agrees to respond to OCR's feedback regarding the trainer's qualifications, training materials, and proposed schedule, which will be implemented only upon OCR's approval.

7. Within ten days of receiving OCR's approval of the training, the College will implement the training. Additionally, the College will maintain and provide documentation of all training attendees (*e.g.*, sign-in sheet or other record of attendance), and a copy of final approved training materials.

REPORTING REQUIREMENT: By December 15, 2017, the College will provide OCR documentation demonstrating the completion of Agreement Terms 6 and 7, including a copy of the final training materials, and documentation of training participants.

8. By September 1, 2017, the College will issue a Training Memorandum (Memorandum) to all instructional staff that specifically emphasizes:
 - a. Disability discrimination is prohibited, including inappropriate stereotyping of students with disabilities.
 - b. The instructors' obligation to provide all approved academic adjustments for students with disabilities.
 - c. Complaints relating to the effectiveness of available or approved academic adjustments are to be referred to the College's Disabilities Support Services Office for resolution.
 - d. Concerns with a student with disabilities behavior may relate to a disability, and although all students are subject to the College's student code of conduct requirements, it may be appropriate for an instructor to consult with the student and the Disabilities Support Services Office regarding behaviors impacting the student with a disability or other students.
 - e. Instructors' syllabi will not state or otherwise imply that the instructor will not abide by or honor a student's approved academic adjustments or impose restrictions on approved academic adjustments that would otherwise result in disability discrimination, (*e.g.*, all tests will be taken as scheduled without exception; students not present for final exams for any reason fail the course, students who have not completed required work prior to class will be removed from the class.)
 - f. The contact information for the College's Section 504/Title II complaint coordinator.

9. By July 15, 2017, and prior to issuing the Memorandum, the College will provide a draft for OCR's review and approval. The College agrees to respond to OCR's feedback regarding the Memorandum, which will be issued only upon OCR's approval.
10. The College will maintain and provide to OCR documentation that all College instructors have received and reviewed the approved Memoranda.

REPORTING REQUIREMENT: *By October 1, 2017*, the College will provide documentation demonstrating completion of Term 10, to include documentation of delivery and receipt of Memoranda by all instructors, and a copy of the final Memorandum.

INDIVIDUAL ACTIONS:

11. By July 10, 2017, the College will notify the student in writing that he is eligible and free to enroll in classes, and may access his student records consistent with the College's existing procedures. The College will also advise the complainant that Title IX prohibits retaliation, and will provide the name, and contact information for the College's Title IX Coordinator.
12. By July 10, 2017, the College will notify the complainant that he may retake ENGL 0910 and ENGL 1010 without cost or an equivalent number of free credits, and with all approved academic adjustments and auxiliary aids. The complainant will not be enrolled in courses taught by XXXX unless there is no other qualified instructor available.
13. Within 10 days of the complainant's reenrollment, the College will designate a single contact person for the complainant to communicate with regarding his academic adjustments. The College will provide the complainant the name and contact information within 10 days of his reenrollment.
14. Within 10 days of OCRs approval of the College's revised procedures for requesting academic adjustments, the College will provide the complainant with individual written notice of the procedures that includes either a physical copy of the revised procedures or an electronic link that leads directly to the revised procedures. The College will maintain and provide documentation demonstrating delivery of the notice to OCR via United States mail.
15. By July 10, 2017, the College will, at the student's election, remove from the student's academic record his enrollment in ENGL 0910 and ENGL 1010.

REPORTING REQUIREMENT: By August 15, 2017, the College will provide documentation demonstrating completion of Agreement Terms 11-15.

ADDITIONAL ACKNOWLEDGEMENTS

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.

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 of the Rehabilitation Act 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 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. 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 regulation implementing Section 504 and its implementing regulation at 34 C.F.R. Part 104, Title II and its implementing regulation at 28 C.F.R. Part 35, and Title IX and its implementing regulation at 34 C.F.R. part 106 (except as noted above), which were at issue in this case.

FOR THE COLLEGE:

_____/s/_____
Joe Schaffer, President

_____/4/19/17_____
Effective Date