

Resolution Agreement

Central New Mexico Community College Complaint No. 08-18-2244

In order to resolve the allegation in Case Number 08-18-2244, 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 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 contact the complainant to assist him with filing a formal complaint of discrimination as an accommodation for his disability. After the College has finalized the complainant’s formal complaint, it will process his discrimination complaint 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 9, 2018**, the College will provide OCR with copies of all documentation related to its processing of the complainant’s disability-related complaint for OCR approval. This includes, but is not limited to:

- a. The complaint;
- b. A list of individuals interviewed (including the complainant);
- c. Individual interview or written statements for the complainant and other witnesses;
- 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.

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,

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. After receiving OCR's approval of its handling of the complainant's disability-related complaint, the College will provide the complainant with a copy of its investigative findings and determinations and will take actions identified to redress any findings of disability-related discrimination.

REPORTING REQUIREMENT: Within seven (7) calendar days of receiving OCR approval, the College will provide OCR documentation demonstrating it has provided the complainant with a copy of its investigative findings and determination and has completed actions necessary to redress any findings of disability-related discrimination.

4. 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 may 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. The training will also address the College's obligation to

