

RESOLUTION AGREEMENT
Eastern Arizona College
Case Number 08-21-2164

Eastern Arizona College (College) enters into this Agreement to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the College. The College assures the United States Department of Education (Department), Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of 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 28 C.F.R. Part 35. As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to these laws and regulations.

Prior to the completion of OCR's investigation, the College agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions:

1. The College will revise its policies and procedures for students requesting academic adjustments, auxiliary aids and services, and/or reasonable modification of policies, practices or procedures and its vaccination policy for the xxxxxx xxxxxx to ensure that (1) the policies and procedures are consistent with one another; (2) references to "reasonable accommodations" are removed from the policies and the College's website; (3) the policies direct students to contact Disability Resource Services and include contact information for the College's Section 504 coordinator, (4) students are not directed to submit complaints or requests under the policies and procedures on Title IX grievance forms, and (5) the vaccination policy indicates that students with disabilities may request a waiver of the vaccination requirements.

REPORTING REQUIREMENT: By **January 15, 2021**, the College will provide OCR, for OCR's review, approval and feedback, its revised draft policies and procedures.

2. If necessary, the College will take action to address any feedback provided by OCR with respect to the draft policies and procedures.

REPORTING REQUIREMENT: Within 30 calendar days of the date OCR provides feedback regarding the College's draft policies and procedures, the College will provide updated draft policies and procedures.

3. Within 30 calendar days of OCR's approval of the draft policies and procedures, the College will adopt and implement the revised policies and procedures.

REPORTING REQUIREMENT: Within 30 calendar days of its final adoption of the revised policies and procedures, the College will provide documentation to OCR establishing that it has adopted and implemented the new policies and procedures. The

College also will provide documentation that the policies and procedures have been published in all locations where the previous policies and procedures were published, including on the College's website and in the student handbook.

4. Within 60 calendar days after adopting and implementing the new policies and procedures, the College will provide training highlighting the changes to the policies and procedures to Disability Resource Services staff and administrators and the xxxxxx xxxxxx administrators. The College will also notify all faculty of the changes to the policies and procedures. The faculty notification will include contact information for the Section 504/ADA Coordinator to respond to any faculty questions about the changes to the policies and procedures.

REPORTING REQUIREMENT: Within 30 days of adopting and implementing the new policies and procedures, the College will submit for OCR's review and approval a copy of its proposed training materials to implement Item 4, along with the name and qualifications of the proposed trainer demonstrating that the trainer is a competent authority on Section 504 and Title II.

REPORTING REQUIREMENT: Within 30 days of providing the training, the College will provide OCR with documentation that it has conducted the required training and will provide the following information: the date(s) the training was conducted; a list of staff and administrators, by name and title, who participated in the training and copies of any written materials (i.e., slides, handouts) used or distributed during the training. The College will also provide a copy of the notification sent to all faculty, including a distribution list.

5. The College's standard letters and emails sent to xxxxx xxxxx applicants and students explaining vaccination requirements will indicate that individuals with disabilities may request a waiver of vaccination requirements through Disability Resource Services.

REPORTING REQUIREMENT: By **January 15, 2021**, the College will provide OCR with the draft letters and emails that include the revised language for OCR's approval.

6. The College will send the Complainant a letter or email with an explanation of how to request a waiver of the xxxxxx xxxxxx vaccination requirements.

REPORTING REQUIREMENT: Within 30 days of the date of this Agreement, the College will provide OCR with a certified copy of the letter or a copy of the email sent to the Complainant.

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 regulation

implementing Section 504 and Title II, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

For Eastern Arizona College:

President Todd Haynie

Date