

RESOLUTION AGREEMENT
GateWay Community College, Arizona
OCR Case No. 08-22-2304

The United States Department of Education (Department), Office for Civil Rights (OCR) and GateWay Community College (College or Recipient), enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced case. The Recipient's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such. The Recipient assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1 – Retake Courses

By June 8, 2023, the College will offer the Complainant the option to retake MDC103 and MDC104 at no cost to the Complainant or offer to refund the Complainant the tuition costs for these two classes.

If the Complainant declines the offer, the College will have no further obligations under Action Item 1.

Reporting Requirements for Action Item 1

- A. **By July 15, 2023**, the Recipient will provide proof of delivery of the offer (i.e., email chain, registered mail delivery receipt) and proof of the Complainant's acceptance or rejection of the offer.
- B. If the Complainant accepts the College's offer, the Recipient will provide OCR proof that that Complainant has reenrolled with the College, or the College has reimbursed the Complainant the tuition costs for the two classes, **by August 8, 2023**.

Action Item 2 - Transcripts

By July 8, 2023, the College will update the Complainant's transcript to reflect that she withdrew from MDC103 and MDC104 and replace the grades with "W"s on her transcript.

Reporting Requirements for Action Item 2

By July 15, 2023, the Recipient will provide OCR with a copy of the Complainant's revised transcripts showing changes were made in conformance with Action Item 2.

Action Item 3 – Policies and Procedures

By June 8, 2023, the College will revise its policies and procedures for providing academic adjustments to include new timeframes for approving requests for academic adjustments in compressed-schedule classes including implementing provisional academic adjustments until such time as formal approval of academic adjustments can be arranged.

Reporting Requirements for Action Item 3

By June 8, 2023, the College will provide OCR with a copy of the revised policies and procedures for granting academic adjustments. The College will make all necessary correction to the policies and procedures based on OCR input. The College will not implement the revised policies and procedures until OCR has approved them.

Action Item 4 – Training

Within 60 days of OCR’s approval of the policies and procedures in Action Item 3, The College will provide training to all relevant personnel at the Disability Resource and Service Center, as well as relevant administrators, Section 504/Title II coordinators, professors, and other staff providing services to students with disabilities. The Training(s) will be conducted by an individual or individuals knowledgeable about laws and issues pertaining to disability discrimination, including Section 504 and Title II.

Reporting Requirements for Action Item 4

- A. **Within 30 days of OCR’s approval of the policies and procedures in Action Item 3, and prior to providing the trainings required by Action Item 4**, the Recipient will provide OCR, for review and approval, the following:
 - i. A copy of the Training materials the Recipient will use (e.g., Power Point slides, discussion materials).
 - ii. The name, title, credentials, and contact information for the person(s) who created the Training materials and who will provide the Training.
- B. **Within 30 Days of OCR’s approval of the training materials and trainer in Reporting Requirement 4A**, the Recipient will provide OCR with detailed information regarding the training conducted pursuant to Action Item 4, including the following:
 - i. A list of all personnel who completed the Training(s) (e.g., sign-in sheets) (List).
 - ii. Assurance that the List constitutes the entirety of the personnel required to attend the Training(s).
 - iii. The date(s) of the Training(s).
 - iv. A copy of the Training materials used; and
 - v. The name, title, credentials, and contact information of the person(s) who provided the Training.

The Recipient understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement.

Further, the Recipient 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The Recipient understands that OCR will not close the monitoring of this Agreement until OCR determines that the Recipient has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities, which were at issue in this Complaint.

The Recipient understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34. C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the Recipient's representative below.

FOR MARICOPA COMMUNITY COLLEGE:

Amy Diaz
President
GateWay Community College

Date