

Resolution Agreement
San Diego Miramar College
OCR No. 09-13-2400

In order to resolve the allegation raised in this complaint filed with OCR under Section 504 of the Rehabilitation Act of 1974 and Title II of the Americans with Disabilities Act of 1990 (as amended), and without admitting to any violation of law, San Diego Miramar College (College) agrees to implement this agreement.¹

Actions and Reporting:

- I. Within 60 calendar days of the date of this agreement, the College will conduct a formal investigation of the complainant's allegation of disability discrimination regarding alleged comments made by a Spring 2013 semester Medical Lab Tech Training program professor.
 - a. The College will follow the formal written unlawful discrimination complaint provisions in its current procedure, "AP 3435 *Discrimination and Harassment Investigations*" to investigate the complainant's allegation of discrimination.
 - b. Within 65 calendar days of the date of this agreement, the College will provide OCR with a summary of its investigation, a copy of all supporting documents, and a draft copy of its response to the allegations raised by the complainant, prior to its issuance of the response to the complainant. OCR and the College will communicate about the College's investigatory process, and OCR will provide feedback to the College about its investigation process and its proposed response to the complainant prior to the College issuing a response (copy or a summary of the investigative report, and administrative determination) to the complainant.
 - c. After OCR and the College review the College's response to the complainant and the response is approved by OCR, the response will be issued to the complainant. The College will confirm to OCR that the response has been issued within 5 calendar days of its issuance.

Monitoring

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 in compliance with Section 504 and Title II.

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 in compliance with Section 504 and Title II.

¹ The College has agreed to implement and disseminate a modified AP 3435 through a separate Resolution Agreement with OCR.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Patricia Hsieh, President (or designee)

_____6/23/2014_____
Date