

Resolution Agreement
Complaint No. 09-14-2048
Mt. Sierra College

In order to resolve the issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above-referenced complaint filed pursuant to Section 504 of the Rehabilitation Act of 1973, Mt. Sierra College (College) agrees to implement this Resolution Agreement (Agreement). In signing this Agreement, the College does not admit to any violation of state or federal law.

I. Discrimination Complaint Procedures

- A. The College will adopt and implement discrimination complaint procedures that provide for the prompt and equitable resolution of complaints of discrimination. The discrimination complaint procedures will be applicable to allegations of discrimination on the basis of disability, including the failure to provide or implement approved auxiliary aids and services. The College's complaint discrimination procedures, at a minimum, will include:
1. Notice to students of the grievance procedures, including where complaints may be filed;
 2. Application of the grievance procedures to complaints filed by students on their behalf alleging disability discrimination carried out by employees, other students, or third parties;
 3. Provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
 4. Designated and reasonably prompt time frames for the major stages of the complaint process;
 5. Notice of available interim measures that may be taken to protect the complainant in the educational setting;
 6. The evidentiary standard that must be used (preponderance of the evidence) in resolving a complaint;
 7. Written notice to the complainant and respondent of the outcome of the complaint, including:
 - a. Whether the College found that the alleged conduct occurred, and whether it constituted discrimination;

- b. Any individual remedies offered or provided to the complainant and/or any sanctions imposed on the respondent that directly relate to the complainant;
 - c. Any other steps the College took to eliminate the hostile environment, if the College found one to exist, and prevent recurrence;
 - d. Any appeal opportunities.
8. Assurance that the College will take steps to prevent recurrence of any discrimination/harassment and remedy discriminatory effects on the complainant and others, if appropriate; and
9. Provision for ongoing notice of the complaint discrimination procedures in campus publications and on the website, including locations to obtain a copy of the discrimination complaint procedures.
- B. By September 30, 2014, the College will provide a draft of the discrimination complaint procedures to OCR for review and approval. OCR will promptly review and provide comments, if any. The procedures will be adopted in final form by the College and forwarded to OCR within thirty (30) days after OCR approves the draft.
- C. Within sixty (60) days after OCR approves the draft discrimination complaint procedures, the College will provide documentation to OCR that the new discrimination complaint procedures policy has been disseminated and made available through campus publications and on the College's website.

II. Retaliation Policy

- A. By September 30, 2014, the College will provide to OCR for review and approval a draft policy prohibiting retaliation against individuals who have engaged in activities protected by the regulations enforced by OCR that prohibit discrimination on the bases of race, color, national origin, sex, disability, or age. The policy will also identify the procedure for filing a complaint alleging discriminatory retaliation.
- B. Within thirty (30) days after OCR approves the draft policy prohibiting retaliation, the College will provide to OCR for review and approval a copy of a memorandum to be distributed to College administrators, faculty, and staff regarding the College's prohibition against retaliation for engaging in activities protected by Section 504 and Title II. The memorandum will specify that under the regulation implementing Title VI of the Civil Rights

Act of 1964, at 34 C.F.R. § 100.7(e), which is incorporated into Section 504 by reference, and under the regulation implementing the Americans with Disabilities Act of 1990, at 28 C.F.R. § 35.134, colleges are prohibited from threatening, harassing, intimidating, or otherwise retaliating against any person who engages in an activity protected by these statutes.

The memorandum will also include examples of conduct that constitutes retaliation, such as an instructor's disclosure of student's disability status to other students, disclosure that a student has filed a discrimination complaint, or public attempts to enlist the support of classmates against a student who has filed a discrimination complaint.

III. Remedies for the Complainant

- A. The College will remove the October 4, 2013, and October 9, 2013 expulsion letters from the complainant's academic record. The College will inform the Complainant, in writing, that the College has removed the expulsion from her academic record. The College may also inform the Complainant that if she wishes to re-enroll at the College, she will be required to apply for admission. The College will use the same admissions criteria that it uses for all applicants to evaluate the Complainant's application for admission.
- B. By September 30, 2014, the College will provide OCR with documentation that the expulsion was removed from the Complainant's academic record and the Complainant was notified that she is no longer expelled from the College.

IV. Monitoring

- A. 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.
- B. 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 Section 504 and Title II.
- C. 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/_____
College President

_____08/07/2014_____
Date