

Resolution Agreement
Shasta-Tehama-Trinity Joint Community College District
Case No. 09-15-2287

In order to resolve the issues in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (“OCR”), and ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (“Title II”), and their implementing regulations, and without admitting any violations of federal law, Shasta-Tehama-Trinity Joint Community College District (the “College”) agrees to take the following actions.

I. Student

- A. The College will expunge the Student’s Fall 2014 grades, and replace all such grades with a “W” for each of the three courses in which the Student was enrolled.

By October 9, 2015, the College will provide OCR with documentation that it has both replaced the Student’s Fall 2014 grades with “Ws” and notified the Student of these changes to his College transcript.

- B. The College will reimburse the Student for any out-of-pocket costs directly related to his Fall 2014 enrollment in African American History/HIST25(the “Course”), specifically: (1) the Course-related enrollment costs and fees; and, (2) the cost of any textbook(s) or other reading materials the Student purchased and which were required by the Course.

Within 60 days of presentation of a receipt or other reasonable documentation of the Course-related costs and fees, and/or the costs of any textbooks or reading materials the Student purchased as a requirement of the Course, the College will provide OCR with documentation that it has reimbursed the Student for such costs.

II. Discrimination Complaint Procedures

- A. The College will clarify that its complaint procedure governing disability discrimination provides a prompt and equitable process consistent with Section 504 and Title II, and ensure that its students receive information regarding the governing complaint procedure in a clearer and more uniform manner, including:

1. Clear notice regarding the College’s complaint procedure on its website (including on the College’s Disabled Students Programs and Services (“DSPS”) webpage), catalog, and student handbook. This notice shall also explain that discrimination based on disability is prohibited under the College’s existing policy; identify the College personnel to whom complaints of disability discrimination should be filed (including relevant contact information), identify the College’s Section 504 Coordinator (including relevant contact information), and highlight the online and

physical sites where individuals may obtain information regarding the College's complaint procedure for responding to complaints of discrimination, including those based on disability discrimination. Specifically, the College's website updates will include the following:

- a) Add a visible tab for information about the College's discrimination complaint procedure on the left side of the "DSPS Home" web page;
 - b) Revise the "Resolution of Disagreements Related to DSPS Services" web page to explain (or provide an electronic link to) the College's complaint procedure under Administrative Procedure 3430, including a clear statement that individuals are not required to participate in an informal resolution process prior to filing a discrimination complaint, add a link to the College's "Unlawful Discrimination Complaint Form," and state that complaints may be submitted without using the form, and identify the College personnel with whom complaints of disability discrimination should be filed; and,
 - c) Revise the "Students Rights and Grievances" web page to accurately explain (or provide an electronic link to) the College's complaint procedure under Administrative Procedure 3430, add a link to the College's "Unlawful Discrimination Complaint Form," state that complaints may be submitted without using the form, and identify the College personnel with whom complaints of disability discrimination should be filed.
2. Revising all applicable provisions of the College's complaint procedure, specifically Administrative Procedure (AP) 3430, Prohibition of Unlawful Discrimination or Harassment, to highlight and/or clarify that for any and all complaints filed under federal civil rights laws:
- a) Individuals are not required to participate in an informal resolution process prior to filing a discrimination complaint;
 - b) Although the College may encourage use of the official complaint form, the College will treat a complaint of discrimination that is provided and/or received in another written form (such as an email or letter) as a formal complaint if the complainant wishes, and will address its merits in the same manner a complaint filed using the official complaint form is addressed by the College;
 - c) The College's existing complaint procedure also covers discrimination, in addition to harassment; and,
 - d) An individual does not have to allege he/she personally suffered unlawful discrimination to file a complaint.

3. Issuing a written memorandum to College administrators, faculty, and staff summarizing the revisions to the College's complaint procedure, specifically AP 3430 referenced above, and reiterating where complaints of alleged disability or other discrimination should be directed and/or filed.

By October 30, 2015, the College will provide OCR with documentation that it has provided clear notice of its complaint procedure on its website, as required by provision II.A.1 above. By June 30, 2016, the College will provide OCR with documentation that it has provided clear notice of its complaint procedure in its catalog and student handbook, as required by provision II.A.1. By November 8, 2015, the College will provide OCR with its proposed complaint procedure revisions to AP 3430, as required by provision II.A.2 above. OCR will provide the College with its revisions to the College's draft changes, and the College will provide OCR with documentation that it has adopted the revised policies by March 8, 2016, or within 90 days, of receiving such revisions from OCR, whichever date is latest. Within 30 days of the adoption of the revised grievance procedures, the College will provide OCR with documentation that it has issued a corresponding written memorandum to College administrators, as required by provision II.A.3 above.

III. Monitoring

The College understands that OCR will not close the monitoring of this agreement until OCR determines the College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, as amended, 29 U.S.C. § 794 at Part 104, and Title II, 42 U.S.C. §§ 12131 et. seq. at Part 35, which were at issue in this case.

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 the implementing regulations which were at issue in 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.

_____/s/_____
Joe Wyse, Ed.D.
President/Superintendent
Shasta-Tehama-Trinity Joint Community College District

09/09/2015
Date