

RESOLUTION AGREEMENT
Moreno Valley College
09-15-2341

In order to resolve the violations found in the investigation of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 as amended, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35 (Title II), Moreno Valley College (College) without admitting any violation of federal law, agrees to take the actions outlined in this Resolution Agreement (Agreement).

A. Individual Remedies

1. The complainant will be reimbursed for reasonable expenses (tuition, books, medical supplies and equipment, other College fees) directly associated with her enrollment in the Physician Assistant Program at the College during the 2013-2014 school year within 30 days of her providing proof of payment to the College. Proof of payment must be submitted to the College no later than June 30, 2016.
2. The complainant's "F" grade in the Winter 2014 Applied Clinical Skills ("PHT 4") class will be expunged from her record.

B. Note Taking Procedures

1. By June 30, 2016, the College will develop a procedure (Note Taking Procedure) to ensure the timely provision of note-takers to students with disabilities for whom note-takers have been determined to be an appropriate accommodation. The Note Taking Procedure will include:
 - a. a statement of the College's duty to comply with Section 504 and Title II, including the duty to provide auxiliary aids and academic adjustments. The statement shall state that the College may not provide disabled students with benefits or services that are not effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
 - b. clarification that (1) when note taker services are requested by a student with a disability and supported by the student's documentation, the note taker service will be provided unless the College can demonstrate that providing the note taker would result in a fundamental alteration of the program or constitute an undue burden, (2) other aids will only be substituted for note taking services while a note taker is being obtained, or when the student who has been approved for note taking service specifically requests or agrees to such a substitution, (3) the College will promptly initiate an interactive process when it proposes not to honor

the student's request; and (4) the College will not rely entirely on a student's professor to find or obtain a note-taker, or any other auxiliary aid.

- c. an assurance that the College will secure a note taker in a timely manner for every student for whom it has approved such services as an accommodation. If the College approves the service prior to the beginning of a semester, it will obtain a note taker for the student no more than one week from the first day of a class for which a student has been approved for services. If note taker services are approved after the beginning of a semester, the note taker will be provided no more than one week after the approval.
- d. an assurance that, when a volunteer student from the class cannot be obtained within the time limits in (c), the College will take other steps to ensure that a note taker is obtained within one additional week; the steps may include providing additional incentives to student volunteers, paying a College staff member, or paying an outside provider; and
- e. a protocol that provides guidance on what steps and actions College administrators and staff should take when a student, who has been determined to qualify for note-taker services, notifies DSS that s/he has not been provided with it. The protocol will specify time frames for each step/action.

C. Grievance Procedures:

1. By June 30, 2016, the College will revise its discrimination complaint procedure (Complaint Procedure) to ensure that they comply with Section 504. Specifically, the procedures will be revised so that:
 - a. they clearly state that a Student, employee, or any third party may file a discrimination complaint with the College;
 - b. they clearly state that one need not be the victim of discrimination to file a complaint; and
 - c. they articulate that the College will investigate and address complaints of discrimination even if the designated complaint form was not used, provided the complainant provides sufficient information to state a claim of potential unlawful discrimination.¹

¹ The College may close a complaint if it determines that its ability to complete the investigation is substantially impaired by its inability to contact the complainant or due to the complainant's failure to cooperate with the investigation.

D. Memorandum

1. By June 30, 2016, the Director of DSS shall create and distribute a memorandum (Memo), to DSS staff. The contents of the Memo shall include the following:
 - a. an explanation that Section 504, Title II, and their implementing regulation require the College to provide disabled students with benefits or services that are effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
 - b. an explanation of what constitutes retaliation;
 - c. an explanation that the College has issued a new procedure to ensure the timely provision of note-takers to students with disabilities for whom note-takers have been determined to be an appropriate accommodation. The Memo shall include a copy of the new Procedure.
 - d. examples of how to address situations when a student who has been determined to qualify for note taker services notifies DSS that s/he has not been provided with the approved note taker/aid after submitting it to the professor.
 - e. a reminder that, if DSS refers a disabled student to a dean or program director to resolve a problem concerning approved accommodations or auxiliary aids or services, DSS staff must clarify the nature of the problem to the dean or program director, and must follow-up with the dean or department chair to confirm how the issue was resolved.
 - f. A description of the changes to the Complaint Procedures.

E. Training

1. By July 15, 2016, the College will conduct training of all DSS employees regarding topics in the Complaint Procedure, Note taking Procedure, and Memo described above.

F. Public Interest investigations' Retaliation Finding

1. If the staff member that was the subject the Complainant's complaints is still employed by the College, by July 1, 2016, the College will develop a plan to address the PAP staff conduct that was found to be retaliatory in the Public Interest Investigations' (PII) investigation/report. The plan will contain steps and

timeframes for implementation. If the College does not accept the PII retaliation findings, the College will provide OCR with a plan for the steps it will take to make a final determination regarding whether retaliation occurred, and if so, how the College will address the retaliatory conduct.

REPORTING REQUIREMENTS

1. With respect to Section A.1, the College will provide OCR the following documentation:
 - a. by July 1, 2016, the College will provide a copy of the complainant's transcript reflecting that the grade was expunged from her records.
 - b. by June 1, 2016, the College will confirm that any tuition fees, medical supplies and equipment, and any other fees and/or charges associated with the Complainant's enrollment in the Physician Assistant Program were reimbursed.
2. By June 3, 2016, the College will submit a draft copy of the Note taking Procedure referenced in Section B to OCR for review and approval. Within 45 days of OCR's approval of the Procedure, the College will disseminate the Procedure to DSS staff and provide documentation showing that it was done.
3. By June 30, 2016, the College will submit a draft copy of the Complaint Procedure referenced in Section C to OCR for review and approval. Within 45 days of OCR's approval of the Procedure, the College will disseminate the Procedure to all staff and provide documentation showing that it was done.
4. By June 30, 2016, the College will submit a draft copy of the Memo referenced in Section D to OCR for review and approval. Within 10 days of OCR's approval of the Memo, the College will issue it to DSS staff. Within 20 days of OCR's approval of the memo, the College will provide OCR with documentation confirming that it has issued the Memo, a list of names along with job titles of all recipients of the Memo, and a copy of the final memo as issued.
5. Within 15 days after the completion of the training referred under Section E. the College will submit to OCR documentation showing the training, including the training agenda, all training materials, and a list of attendees, including their titles.
7. By July 15, 2016, the College will submit a draft copy of the plan referenced in Section F to OCR for review and approval. Within 10 days of OCR's approval of the plan, the College will begin implementation of the plan. Within 15 days of the completion of each step of the plan, the College will submit to OCR documentation of the implementation of that step.

The College understands that by signing this agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the

