

RESOLUTION AGREEMENT
Fresno City College
OCR Docket Number 09-15-2504

Fresno City College (College), a member of State Center Community College District, without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement (Agreement) to resolve the concerns investigated by the Office for Civil Rights, United States Department of Education (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990, as amended (Title II), and Title VI of the Civil Rights Act of 1964, in the above-referenced complaint.

I. NOTICE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY, SECTION 504/TITLE II COMPLIANCE COORDINATOR, AND SECTION 504/TITLE II GRIEVANCE PROCEDURE

The College will:

1. Revise the student handbook for the College's nursing program to: (a) include notice of nondiscrimination on the basis of disability, Section 504/Title II compliance coordinator, and Section 504/Title II grievance procedure (AR 3435), or (b) provide a link or description of where this information can be found and ensure that it meets the requirements of 34 C.F.R. § 104.8 and 28 C.F.R. § 35.106 and is distributed as required by the same.
2. Revise the section, "Grievance Policy for Students," in the annual College catalogue to inform students and applicants that the grievance policy applies to complaints of discrimination and harassment and that they have a right to file a grievance alleging discrimination and harassment whether or not they have attempted to resolve the matter informally with the accused party, that all complaints are investigated, and information about where students and applicant can obtain assistance with filing a grievance.
3. The College will prepare a guidance memorandum for staff receiving and investigating oral or written complaints of discrimination and harassment, which will include the information contained in I.1-2, including a summary of the key provisions of AR 3435, and state that the College's goal is to investigate and resolve complaints within 60 days of filing.

REPORTING REQUIREMENT:

By September 30, 2016, the College will provide, for OCR review and approval, a draft of the changes to the student handbook and the College catalogue and a draft of the guidance memorandum as required by this section. Once OCR approves the proposed changes and memorandum, the College will adopt the changes in the next publication of the student handbook and the College catalogue and, within 60 days of approval, provide documentation showing that it has distributed the notice as required by Section 504, Title II and their implementing regulations and the guidance memorandum as required by I.3.

II. STUDENT HANDBOOK FOR THE COLLEGE'S NURSING PROGRAM

The College will review and revise the student handbook for the College's nursing program to provide notice to students that an exception or a waiver of the retake policy (i.e., policy that states that a course may be repeated only once) may be available in certain circumstances, including related to the failure to approve or provide approved disability services, and informs students how to request an exception/waiver of the retake policy.

REPORTING REQUIREMENT:

By September 30, 2016, the College will provide, for OCR review and approval, a draft of the proposed changes to the student handbook as required by this section. Once OCR approves the proposed changes, the College will adopt the changes in the next publication of the student handbook. In addition, within 30 days of OCR's approval, the College will provide notice to students of the revision by posting this information in areas clearly visible to them and on the website for the College's nursing program.

III. INDIVIDUAL REMEDY: STUDENT

The College will allow the Student to enroll in RN 61 for a third time in the Spring 2017 term. It is the Student's responsibility to comply with the College's procedures for re-enrollment in the course and to adhere to the College's procedures for requesting and obtaining academic adjustments in a timely manner (if needed), and notifying her instructor of any academic adjustments that are approved by the College.

REPORTING REQUIREMENT:

By September 30, 2016, the College will provide OCR with documentation that it has informed the Student in writing that she may enroll in RN61 in the Spring 2017 term and the procedures for re-enrolling in the course along with a description of any steps that the Student needs to complete or documents she needs to submit in order to fulfill the College's requirements for obtaining academic adjustments

General Provisions:

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 monitoring of this Agreement, 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 statute(s) and regulations implementing Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964, which were at issue in this case.

The College understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the statutes and regulations at issue in this matter.

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/_____
Carole Goldsmith
President
Fresno City College

08/11/2016
Date