

RESOLUTION AGREEMENT
Cabrillo College
OCR Case Number 09-16-2293

In order to resolve the finding of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), Cabrillo College (College) agrees to implement the provisions of this Resolution Agreement (Agreement).

I. INDIVIDUAL STUDENT REMEDY

If the Complainant enrolls in the College's program in the future, the Complainant may enroll in any Kinesiology course, regardless of the course instructor. If the Complainant enrolls and the College believes that the Complainant's participation in this class may require the provision of academic adjustments or accommodations, the College will engage in an interactive process with the Complainant to determine the academic adjustments or accommodations that will permit the Complainant to participate in a non-discriminatory manner. If this occurs, the College will notify OCR of the results of the process with 30 days of its completion. If the Complainant disagrees with the results of the process, the Complainant will also be given information in writing about how to appeal the College's decision through the College's disability accommodations process.

II. SYSTEMIC REMEDIES

1. Staff Training

OCR will provide an in-service training to all Accessibility Support Center (ASC) staff, the Dean of Students, and the Chairperson of each academic department, regarding the College's responsibility to accommodate students with disabilities, and regarding the prohibition against retaliation. The College will extend an invitation to all current full or part time instructors to attend.

The training will include an explanation of the accommodations process under Section 504 and Title II and the College's policies and procedures, along with examples of the interactive process and the process provided for students who do not agree that the College has provided reasonable accommodations. The training will include the definition of a qualified individual with a disability and explain that the College must make reasonable modifications in policies, practices or procedures when necessary to avoid discrimination on the basis of disability, unless doing so would fundamentally alter the nature of the service, program or activity or would impose an undue burden. The training will also discuss the prohibition against retaliation, including an explanation of the College's procedures prohibiting retaliation, the process for making and resolving

a complaint regarding retaliation and an explanation of protected activity, adverse action, causal connection, and pretext.

2. Guidance to Instructors

The College will issue a memorandum to instructors, which provides guidance regarding the College's accommodation process for students with disabilities and the prohibition against retaliation under Section 504 and Title II and their implementing regulations. The guidance memorandum will include an explanation of the accommodations process, including an explanation that the Recipient must make reasonable modifications in policies, practices or procedures when necessary to avoid discrimination on the basis of disability, unless doing so would fundamentally alter the nature of the service, program or activity or would impose an undue burden. The guidance will also include an explanation of the best practices for responding to complaints alleging disability discrimination.

III. Reporting Requirements

1. While this Agreement is in effect, within 30 days of the completion of a disability accommodation process with the Complainant described in I., the College will provide OCR with documentation showing the outcome of that process.
2. Within 60 days of the resolution of the complaint, the College will schedule the OCR training. OCR will collect a sign in sheet for the training, legibly identifying all attendees by name and title.
3. Within 15 days of the training, the College will provide OCR a draft of the guidance memorandum.
4. Within 15 days of OCR's approval of the memorandum, the College will provide OCR with documentation that the guidance memorandum has been distributed to all full-time and part-time instructors. This will include a distribution list, a list of all full-time and part-time instructors, and the copy of the final memorandum.

IV. 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 and their implementing regulations, 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 Section 504 and Title II and their 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 60 calendar days to cure the alleged breach.

_____/s/_____
President
Cabrillo College

03/28/2017
Date