

Resolution Agreement
Case No. 09-16-2364
West Los Angeles College

In order to resolve the noncompliance findings identified in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to 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, the West Los Angeles College (College) agrees to the terms of this Resolution Agreement (Agreement). The College agrees to fully implement the terms below:

I. Individual Remedies

- A. By August 31, 2017, the College will reimburse the Complainant's Veterans Administration account for Math 261 taken during Summer 2016 or offer the Complainant credit for another class that is equivalent to the cost of the Math 261 course during Summer 2016.
- B. By August 31, 2017, the College will correct the Complainant's official transcript to remove Math 261 taken during Summer 2016, including the Withdrawal grade.

II. Policies and Procedures

- A. The College will develop one written procedure to promptly resolve situations where a College instructor refuses to implement an accommodation for a student that Disabled Students Program & Services office (DSPS) has approved for the student. This procedure will:
 - 1. State the general obligation of all instructors to fully and promptly implement all accommodations approved for students by DSPS.
 - 2. Inform students that they may contact staff at DSPS when an approved accommodation is not being implemented. Inform students of the name(s), title(s), office address, email(s) and telephone number(s) for DSPS staff to contact when an approved accommodation is not being implemented.
 - 3. Specify that when a student notifies staff at DSPS that an approved accommodation is not being implemented, that a staff member will attempt to resolve the matter with the instructor within five (5) calendar days. Discussion of proposed resolution may include, as appropriate, the student (though not required), the dean for the instructor's department/program, and any other appropriate College administrator. If the matter is not resolved within five (5) calendar days from the date the student notifies DSPS that an approved accommodation is not being implemented, the College will inform the student of his/her/their right to file a formal grievance procedure for disability-based discrimination, discussed in Section II.A.4.
 - 4. Identify which existing or new formal grievance procedure applies to circumstances of disability-based discrimination. The grievance procedure selected must:

- a. Provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability.
 - b. Provide notice of the procedure to students, including where and how to file complaints.
 - c. Apply to complaints by students or third parties that allege discrimination on the basis of disability, including complaints that allege that actions taken by College employees, by students, or by third parties are discriminatory; and including complaints that allege a College policy or procedure, or lack thereof, is discriminatory.
 - d. Provide students the opportunity to file a formal complaint without requiring that students first engage in an informal resolution process.
 - e. Set forth a procedure for investigation of complaints that is impartial and reliable, includes an opportunity for the complainant to present documents and witnesses, and requires the investigator to gather relevant documentary evidence and interview relevant witnesses.
 - f. Require that persons assigned to investigate complaints have adequate training in appropriate investigatory approaches and the applicable legal standards.
 - g. Specify that a determination will be made on whether discrimination occurred using appropriate legal standards.
 - h. Specify that if discrimination is found to have occurred, remedies will be identified and implemented that stop the discrimination, prevent recurrence, and remedy discriminatory effects on the complainant and others, if appropriate.
 - i. Provide that the complainant be given notice of the determinations made, any remedies that will be implemented, and any available appeal process.
 - j. Include a statement that the College prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination. Any individual who believes he/she/they have been subjected to retaliation may file a separate complaint under this procedure.
 - k. Designate reasonably prompt timeframes for each major stage of the complaint process.
5. State that the accommodation originally approved by DSPS will be provided to the student during the implementation of this procedure.
- B. The College will remove any grievance policy or procedure that contradicts the procedure described in Section II.A. in any print or online publication controlled by the College, and clarify the remaining grievance policies, including, but not limited to:
1. Clearly stating that Administrative Regulation E-55 applies only to grade grievances. This clarification will be made wherever there is a reference to Administrative Regulation E-55, including, but not limited to, the Catalog and the “General Information about the Complaint Process” link on the College’s “Student Grievance and Complaint Resolution Process” webpage.¹

¹ <http://www.wlac.edu/Policies/Grievance.aspx>

2. Clarifying the “Problem with my Class and/or Professor” link on the College’s “Student Grievance and Complaint Resolution Process” webpage by describing the purpose of this grievance procedure and adding the elements in Section II.A.4. This clarification will be evident in the title of the link and on the Google form webpage that opens after the link is selected.²
 3. If the College chooses to keep the “Problem with my Class and/or Professor” link on the College’s “Student Grievance and Complaint Resolution Process” webpage, the College will remove language on the Google form that currently states: “Prior to filing this complaint, students are required to first meet with the instructor and then that instructor’s department chair. Have you done so?”
- C. The College will develop a DSPTS handbook for students (DSPTS Student Handbook) which contains all policies and procedures with regards to students with disabilities, including, but not limited to, legal rights, process to request academic adjustments and modifications, the procedure described in Section II.A. about resolving situations where an instructor does not implement an approved academic adjustment and the grievance procedure for disability discrimination.

III. Response to Notice of Harassment

- A. The College’s Section 504/Title II Coordinator will investigate the Complainant’s reports of disability discrimination by the Instructor during summer 2016, including, but not limited to the Complainant’s June 23, 2016 email complaint. The College’s Section 504/Title II Coordinator will investigate in accordance with the grievance policy described in Section II.A.4., and will review all documents and information pertaining to the incidents described in the complaints. The College’s Section 504/Title II Coordinator will determine whether there was harassment and/or different treatment based on disability, and any responses or actions needed to prevent recurrence of discrimination and/or harassment, eliminate any hostile environment that may have been created, and remedy the effects. The College will also determine if other remedies are needed to repair any harms to the educational community.

IV. Affirming the College’s Responsibilities

- A. The College affirms that it is the responsibility of the College to ensure that all reasonable accommodations (academic adjustments) approved for qualified students with disabilities by the DSPTS are promptly provided.
- B. The College further affirms that the College, the College’s Section 504/Title II Coordinator, and its senior administrators with decision-making authority in the procedure described in Section II.A. are responsible for securing the compliance of the College with Section 504 and Title II and their implementing regulations. Noncompliance will be promptly cured by the College. The College will not place upon

² <https://docs.google.com/forms/d/e/1FAIpQLScok5ZKStORGhrImkvwY8rJbpivj4ZHEfuqlbCQ-wZB4Pv-ow/viewform>

any student the responsibility of informing faculty of their duty to comply with these laws.

V. Reporting Requirements

- A. By September 15, 2017, the College will provide OCR with documentation that it has completed Section I.A.
- B. By September 15, 2017, the College will provide OCR with documentation that it has completed Section I.B.
- C. By August 31, 2017, the College will provide a draft of the procedure described in Section II.A. to OCR for review and approval.
- D. Within fifteen (15) calendar days of OCR's approval of the procedure described in Section II.A., the College will (a) post the procedure on the College website, (b) provide a link to the procedure from the DSPS website, and (c) include the procedure or a link to the procedure in the Catalog, and provide documentation to OCR that it has completed this subsection.
- E. Within thirty (30) calendar days of OCR's approval of the procedure described in Section II.A., the College will provide information about the Section II.A. procedure to staff in all College departments and offices that may receive questions from students about grievances or complaint procedures on the basis of disability, including, but not limited to, the Vice President's Office, Deans of Academic Affairs, Dean of Student Support, and DSPS, and provide documentation to OCR that it has completed this subsection.
- F. By September 30, 2017, the College will provide OCR with documentation demonstrating it has completed Section II.B. The College will designate a knowledgeable person to review and discuss the remaining grievance procedures with OCR.
- G. By September 30, 2017, the College will provide a draft DSPS Student Handbook described in Section II.C. to OCR for review and approval.
- H. Within fifteen (15) calendar days of receiving OCR's approval for the DSPS Student Handbook described in Section II.C., the College will (a) provide physical copies of the DSPS Student Handbook at DSPS for students, (b) post the DSPS Student Handbook on the College's DSPS webpage, (c) provide a copy of DSPS Student Handbook to all current clients of DSPS, and (d) email all faculty with a copy of the Student Handbook and provide documentation to OCR that it has completed the requirements in this subsection.
- I. By September 30, 2017, the College will provide OCR for review and approval a copy of the investigative report from Section III.A. and the draft notice of the outcome, which shall include the information required by the College's grievance procedure described in

Section II.A.4., including but not limited to investigative findings, a final determination and, as appropriate, any remedies and sanctions.

J. Within fifteen (15) calendar days of OCR's approval of the investigative report and notice of the outcome described in Section V.I., the College shall issue the notice of the outcome to the Complainant.

K. By August 30, 2017, the College will provide written verification to OCR of the affirmations required by Section IV.

VI. Monitoring

The College understands that by signing this Agreement, it agrees to provide the foregoing 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 compliance with Section 504 and Title II and their implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the College's representative below.

_____/s/_____
President or Designated Representative
West Los Angeles College

_____08/19/2017_____
Date