

College of the Sequoias  
Resolution Agreement  
OCR No. 09-18-2261

The College of the Sequoias Community College (College) and the College of the Sequoias Community College District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and the implementing regulations in the above-referenced OCR case number.<sup>1</sup>

**I. Revisions to Policy and Procedure**

- A. The College will work with the District to revise its Board Policy (BP) 3430 (entitled “Prohibition of Harassment”) and Administrative Procedure (AP) 3430 (entitled “Prohibition of Harassment and Discrimination and Harassment Complaint Procedures”) to provide additional notice of the prohibition of unlawful discrimination, and the applicability of this policy and procedure to complaints of harassment and discrimination. AP 3430 will be revised to include the preponderance of the evidence legal standard that will be used in its determination of whether unlawful discrimination occurred.

**Reporting Requirement**

- B. By **August 31, 2018**, the College will submit the revised policy and procedure as described in Section I(A) to OCR for review and approval. Within 180 days of receiving OCR’s approval, the College will: (1) finalize and distribute BP 3430 and AP 3430; (2) adopt the policy and procedure, post them on the College’s website, publish them in any written materials, such as student and staff handbooks; and (3) send an email to all staff and students with a link to the revised policy and procedure and information about upcoming training and/or guidance regarding these materials (as described below in Section II). Within 45 days of receiving OCR’s approval, the College will provide OCR with documentation of its distribution of BP 3430 and AP 3430, including links, emails, and copies of written publications.

**II. Training and Written Guidance**

- A. The College will provide training to all administrators in the College’s Activities and Affairs office responsible for conducting investigations of complaints of discrimination on the basis of disability and all staff of the College’s Access and Ability Center. The training will explain how to: (1) recognize complaints of

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<sup>1</sup> OCR opened this complaint against the College, however during the investigative process, the District (in conjunction with the College) assumed responsibility for working with OCR to resolve the complaint.

discrimination; (2) how to conduct prompt, adequate, reliable, and impartial Section 504/Title II investigations; and (3) how to ensure that the correct legal standards (and correct Board policy and procedure) are applied when investigating whether a student has been denied academic adjustments and/or auxiliary aids and services. The College will ensure that any administrators or other staff assigned to investigate complaints of discrimination receives such training.

- B. The College will issue written guidance to all professors and instructors in the Department of Science concerning their role and responsibilities in providing approved academic adjustments and auxiliary aids and services to students with disabilities, and the steps they should take if a student raises concerns about the adequacy or delivery of an approved academic adjustment or auxiliary aid and services.

### C. **Reporting Requirements**

1. By **September 28, 2018**, the College will provide OCR with the written guidance and training materials under Sections 2(A) and (B), respectively, for OCR's review and approval.
2. Upon approval of the materials under Section 2(A), the College will provide documentation that the training will have been completed by **December 14, 2018**. Documentation will include a copy of the program materials, date(s) and the name of the individual(s) who conducted the training. The College will also provide the sign-in sheet(s) identifying the name and position of each individual who received the training.
3. Upon approval of the written guidance under Section 2(B), the College will distribute it within 20 days of OCR's approval.

### III. **Individual Remedy**

- A. By **August 31, 2018**, the College will notify the complainant in writing that it will investigate her complaint of discrimination that she made during the fall 2017 semester under the College's Non-discrimination and Prohibition of Harassment policy and procedure.
- B. By **September 28, 2018**, the College will complete an investigation of the complainant's complaint of discrimination based on her disability. The investigation of the complainant's complaint will involve a detailed review of all information previously provided by the complainant, instructor, or others; a

determination of whether further information is needed from the complainant or other witnesses and obtaining, to the extent possible, that additional information; a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports by a preponderance of the evidence a finding that discrimination occurred; and if so, the provision of appropriate corrective actions to remedy the discrimination and prevent its recurrence. The outcome of the investigation will be communicated to the complainant in writing and will include the complainant's right to appeal to the College's Board of Trustees and the State Chancellor's Office.

### **Reporting Requirement**

- C. By **October 12, 2018**, the College will submit to OCR a report documenting the investigation, including the notice of investigation letter to the complainant; who was interviewed; what information witnesses provided; the outcome of the investigation; any corrective actions deemed necessary; and, a timeline for implementation of the corrective actions, if necessary. The College will also provide to OCR a copy of all documentation obtained during the course of the investigation and documentation demonstrating that a written report of the outcome was provided to the complainant.

### **IV. General Reporting Requirements**

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 the Agreement. Further the College understands that during the monitoring of the 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. Upon the College's satisfaction of the commitments made under the Agreement, OCR will close the case.

The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_  
John W. Bratch, Dean, Human Resources/  
Legal Affairs

Date: 08/13/2018