

RESOLUTION AGREEMENT
Fullerton College
OCR Case Number 09-19-2191

Fullerton College (the College) 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) and Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations in the above-referenced case number.

I. Disciplinary Procedures

- A. The College will develop procedures regarding the provision of accommodations for students with disabilities participating in the College's disciplinary process, including disciplinary hearings. The procedures will include, at a minimum, the following: that students with disabilities may request disability-related accommodations; a description of how students are to request accommodations; procedures for how accommodation requests will be evaluated and what College staff will be involved in the evaluation; how the College will communicate with a student when the College requires additional information regarding a request; the manner in which accommodations determinations will be communicated to students; timelines for requesting, evaluation of, and the provision of accommodations such that the process is undergone in a timely manner; and, for notification to individuals in a disciplinary proceeding of the procedure.

B. Reporting Requirements

1. By December 23, 2019, the College will send a draft of its procedures regarding the provision of accommodations for students with disabilities at disciplinary hearings to OCR for review and approval.
2. Within 30 calendar days of the date of OCR's approval, the College will finalize the procedures and circulate them in a notification email to staff in the College's Disability Support Services Office, the Student Support Services Office, and to any other staff involved in disciplinary proceedings, along with the name and contact information of a College staff member whom staff may contact with any questions or requests for clarification.
3. The College will provide OCR with a copy of the notification email and a distribution list within 15 calendar days of it being transmitted.

II. Individual Remedies

- A. Within 30 calendar days of OCR's approval of the procedure described in Section I, the College will provide the Student with notice, via email and regular mail, that he may request to have a new disciplinary hearing, in which the procedures described in Section I

are implemented for him. The Student will have no less than 14 calendar days from the date the notice is received to request or decline a new hearing.

- B. If the Student requests a new hearing, the College will follow the procedures described in Section I, including determining whether the Student's requested accommodations are appropriate, and engaging with the Student in this process. Once the College has concluded the process with the Student, and after receiving approval from OCR, the College will notify the Student of the outcome and inquire whether the Student still wishes to proceed with the disciplinary hearing. The Student will have no less than 14 calendar days from the date the notice is received to respond to the College. If the Student chooses to move forward with the disciplinary hearing, the College will conduct a new hearing implementing all approved accommodations.
- C. If a new disciplinary hearing is conducted, the College will remove the Student's suspension from his record if the hearing results in a determination that the Student should not have been suspended.

D. Reporting Requirements

1. Within 5 calendar days of delivery, the College will provide OCR with the notice that was sent to the Student regarding his right to request a new disciplinary hearing.
2. Within 5 calendar days of receipt, the College will provide OCR with a copy of the Student's response.
3. Within 5 calendar days of concluding the above process, the College will provide OCR with a draft notification to the Student of the outcome of the accommodations process, documentation evidencing that the procedures were followed, the College's determinations regarding the Student's requests for accommodations, and the reasoning for those determinations, for OCR review and approval.¹
4. Within 5 calendar days of receiving OCR's approval, the College will send the notification to the Student and inquire if he would still like to proceed with a new disciplinary hearing. The College will provide OCR with a copy of the notification within 5 calendar days of delivery.
5. Within 5 calendar days of receipt, the College will provide OCR with a copy of the Student's response.
6. Within 5 calendar days of the conclusion of the hearing (if any), the College will provide OCR with documentation of the outcome of the hearing including a description of how the accommodations, if any, were implemented.

¹ Any delays in completing the process of evaluating reasonable accommodations to be provided that are caused by the Student cancelling and rescheduling meetings or by OCR's review and approval of the process shall not be held against the College in OCR's assessment.

III. Monitoring

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. Upon completion of the obligations under this Agreement, OCR shall 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 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/_____

_____12/13/2019_____

Fullerton College President or Designee

Date