

**Sierra College
Resolution Agreement
09-22-2016**

Sierra College (College), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified in the above-referenced case by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35.

I. Individual Remedy:

The College will conduct a new evaluation of the Complainant's requested accommodation for an FM System. As part of this evaluation:

- A. The Complainant will provide the College with documentation from an audiologist which includes: 1) a diagnostic statement identifying the Complainant's disability; 2) audiological evaluation and/or audiogram; 3) how the disabling condition currently impacts the Complainant, especially while attending the College; and 4) recommendations for accommodations and adaptive devices.
- B. The College and the Complainant will engage in the interactive process. The College will also give primary consideration to the Complainant's request for an FM system that is compatible with her hearing aids and that provides her with an effective means of being able to hear her instructors during class.

By August 18, 2022, the College will send OCR, for its review and approval, its determination regarding the appropriate accommodation for the Complainant. If the College determines that her preferred FM System is an appropriate accommodation, the College will need to provide the Complainant with a pair of receivers/audio shoes for the device since the Complainant obtained the transmitter from the Department of Rehabilitation. If the College determines that the Complainant's preferred FM System results in a fundamental alteration of its program or an undue financial and administrative burden, it will provide OCR, for its review and approval, a written determination showing such burden or alteration, after considering all resources available for use in the funding and operation of the services, program, or activity in question. Within two weeks of OCR's approval, the College will send the Complainant its determination. The College will then take all feasible steps to have the OCR-approved accommodation available for the Complainant by the start of the fall 2022 school year, and by no later than September 2, 2022.

II. Training

Within 30 days of signing this Agreement, the College will draft a guidance memorandum for OCR's review and approval describing the College's responsibilities under Section 504 and Title II to provide disabled students with auxiliary aids or services necessary to ensure an effective means of communication. Once OCR approves this memorandum, the College will email the memorandum within two weeks of OCR's approval to all administrators responsible for making decisions regarding an accommodation and to staff members at DSPS and the Assistive Technology Department. The College will also provide OCR with date the memorandum is emailed to its administrators.

III. ADA/504 Coordinator

The College will also include in the guidance memorandum described above in Section II (Training) a reminder that the DSPS Coordinator will refer the matter to the ADA/504 Compliance Officer if a student remains unsatisfied with the disposition of an accommodation pursuant to the College's procedures as described in the Student Rights and Responsibilities Handbook.

The College understands that by signing the 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 and obligations of the Agreement. The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has demonstrated compliance with all of the terms of this Agreement and is in compliance with Section 504, Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____

William H. Duncan, IV
President

July 18, 2022