

## **RESOLUTION AGREEMENT**

Walla Walla Community College (College) enters into this Resolution Agreement (agreement) to resolve the allegations in a complaint (OCR Reference No. 10182025) filed with 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).

### **Action Item A: Review of Policies and Procedures**

1. The College will review and revise, as necessary, its policies and procedures with regard to the provision of academic adjustments and auxiliary aids and services to students with disabilities in order to ensure that the policies and procedures include:
  - a. A statement of the College's duty to comply with Section 504 and Title II, including the duty to provide auxiliary aids and academic adjustments. The statement shall state that the College may not provide qualified students with disabilities with benefits or services that are not effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
  - b. Clarification that when a particular adjustment, aid or service is requested by a student with a disability and supported by the student's documentation, the adjustment, aid or service will be provided in a timely manner unless the College can demonstrate that providing it would result in a fundamental alteration of the program or constitute an undue burden.
  - c. An assurance that the College will secure a note taker in a timely manner for every student for whom it has approved such services as an accommodation; if the College approves the service prior to the beginning of a quarter, it will obtain a note taker for the student no more than one week from the first day of a class for which a student has been approved for services; if note taker services are approved after the beginning of a quarter, the note taker will be provided no more than one week after the approval.
  - d. An assurance that when a volunteer student note taker cannot be obtained within the time limits in (c), the College will take other steps to ensure that a note taker is obtained within one additional week; the steps may include providing additional incentives to student volunteers, paying a College staff member to take notes, or paying an outside provider.
  - e. Clarification that other aids such as audio recording or class presentation materials will only be substituted for note taking services while a note taker is being obtained, or when the student who has been approved for note taking specifically requests or agrees to such a substitution.

- f. Clarification that the College will provide complete class presentation materials in a timely manner for every student for whom it has approved such services as an accommodation.
- g. Clarification that faculty are responsible for ensuring that students receive all of the accommodations and services that have been approved for them; that faculty may not unilaterally deny or modify approved accommodations; and that if faculty have questions regarding accommodations/services or any type of issue in providing accommodations/services, it is the faculty's responsibility to contact the Disability Services office regarding the issue.
- h. Clarification that students are not required to negotiate with faculty about the provision of accommodations that have been approved by the Disability Services office.
- i. Clarification that the College will not rely entirely on faculty to find or obtain a note taker, or any other auxiliary aid.

Reporting Requirement: By June 15, 2018, the College will provide to OCR, for review and approval, the proposed revised policies and procedures developed in accordance with Action Item A(1). If OCR requires any changes to the proposed revised policies and procedures, the College will make the changes and re-submit the revised policies and procedures within 20 days of receiving OCR's notice of required edits. The College and OCR will repeat this process until OCR approves the revised policies and procedures.

2. Within 30 days of receiving OCR's written approval of the College's revised policies and procedures, the College will adopt and publish the revised policies and procedures. Publication will include written notice of the revised policies and procedures by mail or e-mail to all students, staff, administrators, and faculty.

Reporting Requirement: Within 60 days of receiving OCR's written approval of the College's revised policies and procedures, the College will provide documentation to OCR demonstrating the College's compliance with Action Item A(2). This includes copies of the written notices and a description of the methods used to distribute the written notices.

### **Action Item B: Training**

By August 1, 2018, the College agrees to provide training to its academic administrators and disability services staff regarding the revised policies and procedures developed in accordance with Action Item A above, and by October 1, 2018, the College agrees to provide that training to its faculty.

Reporting Requirement: Within 14 days of completing the trainings described in Action Item B, the College will provide documentation to OCR demonstrating the completion of the trainings, including a copy of all training materials used, the dates of the trainings, a copy of the attendance sheets that includes names, offices, and job titles of attendees, and the name, title, and qualifications of the trainers.

### **Action Item C: Student-Specific Actions**

1. By April 20, 2018, the College will e-mail and send the student a letter expressing the College's commitment to provide necessary academic adjustments and auxiliary aids and services to him and students with disabilities in general pursuant to Section 504 and Title II; expressing regret regarding the College's actions which resulted in the student's difficulties in completing the fall 2017 biology class; notifying the student that the College will send him a copy of its revised policies and procedures developed in accordance with Action Item A, above; notifying the student that it will remove the Withdrawal or "W" from his transcript for the fall 2017 biology class; and reimbursing the student for any fees for materials, tuition, or other expenses he incurred for the fall 2017 biology class. The e-mail or letter will include, as an attachment, the student's updated transcript.

Reporting Requirement: Within 7 days of sending the e-mail and letter to the student, the College will provide OCR with a copy of both, including a copy of the reimbursement check and the student's updated transcript.

2. Within 30 days of receiving OCR's written approval of the College's revised policies and procedures developed in accordance with Action Item A, above, the College will send the student a copy of the revised policies and procedures.

Reporting Requirement: Within 60 days of receiving OCR's written approval of the College's revised policies and procedures, the College will provide documentation to OCR demonstrating the College's compliance with Action Item C(2).

### **Monitoring: General Principles**

The College understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the College understands that during the monitoring of this agreement, OCR may visit the College campus, 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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.44; and Title II at 28 C.F.R. § 35.130, which were at issue in this case.

The College understands that OCR will not close the monitoring of this agreement until such time that OCR determines that the College has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.44, and Title II at 28 C.F.R. § 35.130, 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 sixty (60) calendar days to cure the alleged breach.

This agreement will become effective immediately upon the signature of the President or his designee below.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Derek R. Brandes  
President (or designee)  
Walla Walla Community College

\_\_\_\_April 9, 2018\_\_\_\_\_  
Date