

## VOLUNTARY RESOLUTION AGREEMENT

Southwestern Oregon Community College (college) enters into this agreement to resolve the allegations in a complaint (Reference No. 10182065) 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) and their respective implementing regulations.

### **I. Development and Dissemination of Memoranda Regarding Extended Time and Retaliation**

- A. The college will develop and distribute a memorandum or similar guidance document for instructors to ensure that, if a student with a disability is found eligible for an academic adjustment of extended time (for example, time and half) on exams, quizzes, or any class related work, such student will be provided the specified additional time determined necessary to ensure that the course requirements do not discriminate or have the effect of discriminating against the student on the basis of disability. The guidance will specify that, in general, the amount of extended time determined necessary for a student with a disability will be added to the amount of time provided to other students for each exam and that, in general, this applies to in class and out of class test, quizzes and assignments.
- B. Reporting Provisions:
1. By September 30, 2018, the college will provide OCR with a draft of the memorandum developed pursuant to Section I.A., above, for OCR's review and approval. If revisions to the memorandum are required, the college will re-submit the memorandum to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the memorandum.
  2. Within 30 days of receiving written notification from OCR of its approval of the memorandum, the college will provide OCR with documentation demonstrating the college has adopted the memorandum and disseminated it to all instructors and other staff responsible for administering exams and tests or assigning work.
- C. The college will develop and distribute a memorandum or similar guidance document for administrators, faculty, and staff involved in classes or the implementation of services to students with disabilities that provides information on unlawful retaliation against those engaging in civil rights related protected activities, including any college policies that prohibit retaliation, and the procedures available for complaints of retaliation. At a minimum, the memorandum will:
1. explain that Section 504 and Title II, and their respective implementing regulations, prohibit retaliation against individuals who take action to assert their rights to be free from discrimination on the basis of disability;

2. emphasize that retaliation against those engaging in protected activities is unlawful, prohibited by college policy, and that staff members who engage in such retaliation are subject to sanctions;
3. provide definitions and examples of retaliation and protected activity, including clarification that protected activity is not limited based on the position or status of the individual engaging in the protected activity and that students, staff, parents, guardians, and third parties can engage in activity that is protected by federal civil rights laws.

D. Reporting Provisions:

1. By March 31, 2019, the college will provide OCR with a draft of the memorandum that was developed in accordance with Section I.C, above, for OCR's review and approval. If revisions to the memorandum are required, the college will re-submit the memorandum to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the memorandum.
2. Within 30 days of receiving written notification from OCR of its approval of the memorandum, the college will submit a report to OCR documenting its compliance with Section I.C, above. The report will include the name and title of each person that received the memorandum.

**II. Section 504/Title II Grievance Procedures**

- A. The college will review, and revise as needed, its procedures to resolve grievances based on allegations of disability discrimination. The revised grievance procedure will conform with the prompt and equitable grievance requirements of Section 504 and Title II, including but not limited to, investigating all appropriate allegations and providing notice to the parties of the outcome of the grievance.

B. Reporting Provisions:

1. By December 31, 2018, the college will submit to OCR a draft of its disability grievance procedures developed pursuant to Section IV.A, above, for OCR's review and approval. If revisions to the disability grievance procedures are required, the college will re-submit the disability grievance procedures to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the disability grievance procedures.
2. Within 30 days of receiving written notification from OCR of its approval of the disability grievance procedures, the college will submit a report to OCR

documenting its compliance with Section IV.A, above. The report will include documentation that the college has published the disability grievance procedures in appropriate locations such as on its website and in student handbooks for the 2018-2019 school year.

### **III. Individual Student Remedy**

A. The President of the college will send a letter to the student who is the subject of the complaint. The letter will:

1. confirm that the college is committed to providing non-discriminatory access to all of its educational programs and activities for students with disabilities, including providing appropriate academic adjustments;
2. assure the student that the college will offer the necessary assistance to ensure that he receives his approved academic adjustments;
3. explain that the college is committed to maintaining an environment that is free from retaliation, and that the college specifically prohibits retaliation against individuals who take action to assert their rights to be free from discrimination on the basis of disability; and,
4. offer the student the chance to retake any specific tests or quizzes where he claimed he was not provided his approved academic adjustments as well as any other assignments after November 6, 2017, where he believed he was graded poorly because of retaliation.

B. Reporting Provisions:

1. By November 1, 2018, the college will submit to OCR a draft of its letter to the student developed pursuant to Section V.A, above, for OCR's review and approval. If revisions to the letter are required, the college will re-submit the letter to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the letter to the student.
2. Within 15 days of receiving written approval from OCR of the letter to the student, the college will provide OCR a copy of the letter sent to the student as described in Section V.A. above.
3. Within 90 days of receiving written approval from OCR of the letter to the student, the college will provide OCR a report detailing whether the student accepted the offer to retake any exams or quizzes with approved academic adjustments and/or any other assignments after November 6, 2017, and if the

student accepted the offer, documentation showing the student was provided such opportunity.

**IV. General Provisions**

- A. The college understands that by signing this agreement, it agrees to provide OCR 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 this agreement, if necessary, OCR may visit the college and 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.
- B. Upon the college's satisfaction of the commitments made under the agreement, OCR will close the case.
- C. 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.

Signed:

/s/

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President  
Southwestern Oregon Community College

October 8, 2018

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Date