

VOLUNTARY RESOLUTION AGREEMENT

The Leeward Community College at the University of Hawaii (the college) voluntarily agrees to take the following actions to resolve the allegations in a complaint (Reference No. 10182085) 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).

A. Notice

Action Items

1. By September 30, 2018, the college agrees to disseminate to the staff and instructors in the culinary department, staff responsible for investigating disability discrimination complaints, any other pertinent staff members, notice of the college's obligations under Section 504 of the Rehabilitation Act of 1974 and Title II of the Americans with Disabilities Act of 1990. The notice will clearly describe the college's obligations for implementing approved disability-related academic adjustments for students, including instructors' obligations/roles in implementing the procedures. The notice will also describe the college's procedures for addressing concerns of disability discrimination that are reported to the college's Section 504 Coordinator.
2. By September 30, 2018, the college agrees to initiate annual dissemination of the notice to pertinent staff members referenced in A.1., above.

Reporting Requirements

1. By October 14, 2018, the college will provide a report to OCR that reflects the specific actions taken to comply with Action A.1., above. The report will include a copy of the written notice disseminated to pertinent college staff members and faculty, and documentation of the names and position titles of those who received the notice. If the notice was also disseminated to the identified individuals in any non-written manner, the college will also provide documentation indicating what was contained in the non-written notice, and how, when, and to whom the notice was disseminated.
2. By October 14, 2018, the college will provide a report to OCR that reflects specific actions taken to comply with Action Item A.1., above. The report

will include documentation of the actions initiated by the college to implement an annual notice to pertinent staff as referenced in Action Item A.1., above, such as, for example, delegation to a staff member of the responsibility for disseminating notice, or inclusion in a college calendar.

B. Training

Action Items

1. The college agrees to provide training to instructors in the culinary department, staff responsible for investigating disability discrimination complaints, any other pertinent staff members, regarding the college's procedures as identified under Action Item A.1., above.
2. Within 60 days of receiving OCR's approval of the training materials, the college will provide training as specified under Action Item B.1., above.

Reporting Requirements

1. By November 30, 2018, the college will submit to OCR for review and approval a copy of any training materials developed in accordance with Action Item B.1., including the name(s) and credentials of any individuals who will be providing the training. If OCR requires any changes to the training materials, the college will re-submit the proposed training materials 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 college's training materials.
2. By February 15, 2019, the college will provide documentation to OCR demonstrating the college's compliance with Action Item B.2, including a copy of all training materials used, the date of the training, a copy of the attendance sheet, and the name and title of the trainer.

C. Student-Specific Actions

Action Items

1. The college will send the student a letter expressing the college's commitment to provide necessary academic adjustments and services to students with disabilities pursuant to Section 504 and Title II.

2. In the letter (C.1 above), the college will offer the student the opportunity to accept one of two options. The first option offered will be for the student to retake with approved accommodations the Dining Room Operations (CULN 160) class at no cost to the student. The grade the student earns for retaking the class will replace the grade he earned in the fall 2017 semester. The second option offered will be for the student to be provided the opportunity to take an alternative class, consisting of the same number of credits as CULN 160, with approved accommodations and at no cost to the student. Regarding options one and two, the college will allow the student the option of completing all selected courses no later than June 30, 2020. Additionally, regarding options one and two, if the student has relocated, the college will offer to pay the tuition costs at a comparable institution for courses equivalent to what are described under options one and two. The letter will allow the student until 30 days from the effective date of the letter to make a selection. Should the student not choose any option, the college will take no further action.

Reporting Requirements

1. By September 30, 2018, the college will provide to OCR for review and approval a draft of the letter described under Action Item C.2, above. If OCR requires any changes to the letter, 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 college's letter and authorizes the college to issue it to the student.
2. By October 15, 2018, the college will provide OCR a final copy of the letter described under Action Item C.1, above, that it issued to the student.
3. By November 30, 2018, the college will provide to OCR information reflecting which option under C.2. the student selected.

D. General Monitoring Principles

1. 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 regulation implementing Section 504 at 34 C.F.R. § 104.4, 34 C.F.R. § 104.43, and 34 C.F.R. § 104.44; and Title II at 28 C.F.R. § 35.130 and 28 C.F.R. §35.160, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.

2. The college understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including enforcing the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including 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/

Ms. Suzette Robinson
Interim Chancellor
Leeward Community College at the University of Hawaii

Date:

August 30, 2018
