

RESOLUTION AGREEMENT
Trident Technical Community College
OCR Complaint No. 11-16-2005

Trident Technical Community College (the College) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-16-2005. This Agreement does not constitute an admission by the College of a violation of a Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item A: The Complainant

1. By September 15, 2018, the College will reimburse the Complainant for tuition and any related expenses for her enrollment in her XXXX, XXXX, and XXXX courses during the XXXX semester, due to any failure of the College to provide the Complainant with the following academic adjustments and auxiliary aids during that timeframe, and/or appropriately determining the appropriate academic adjustments and/or auxiliary aids/services required by the Complainant, including with respect to the provision of: (a) audio textbooks in XXXX; (b) 15-minute breaks during tests and exams in all XXXX courses; and (c) the provision of math formulas for XXXX.

Reporting Requirement:

Within 7 calendar days after payment is made, the College will provide OCR with written verification of the reimbursement made to the Complainant.

Action Item B: Procedures for Providing Academic Adjustments and/or Auxiliary Aids and Services

1. By October 31, 2018, the College will revise its policies and procedures with respect to providing academic adjustments and auxiliary aids and services for individuals with disabilities to ensure that its process is implemented in a manner that is consistent with the requirements of regulations implementing Section 504 and Title II. The College will ensure that the revised policy and procedures include the following elements:
 - a. The Services for Students with Disabilities (SSD) Office, with requisite training and expertise in the area of disability services, not faculty, is responsible for determining whether a requested academic adjustment and/or auxiliary aid or service is approved or denied. For approved academic adjustments and/or auxiliary aids and services, the SSD Office is responsible for determining under what circumstances a modification is warranted, on an individualized basis after engaging in an interactive process with the student and fully considering: his/her disability and its impact, his/her request for a particular accommodation or stated disability-related need, and any unique characteristics of his/her course of study and classes.

- b. In the event the SSD Office denies a request for academic adjustments and/or auxiliary aids or services, the SSD Office will clearly communicate the reasons for its decision to the student and provide a right to challenge the decision through the College's disability discrimination complaint procedures.
 - c. Prior to determining that a requested accommodation is an essential requirement that cannot be modified, the SSD Office will follow the written protocol as described in Action Item C.
 - d. The SSD Office will furnish a Faculty Notification Letter to advise faculty of approved academic adjustments and/or auxiliary aids and services for a student with a disability.
 - e. The SSD Office and faculty are collaboratively responsible for providing approved academic adjustments and/or auxiliary aids and services that are within their respective control for a student with a disability, as designated or specified in the Faculty Notification Letter.
 - f. Faculty must communicate with the SSD Office, rather than a student with a disability, regarding any questions about the implementation of approved academic adjustments and/or auxiliary aids and services.
2. The College will include a statement on the Faculty Notification Letter indicating that the SSD Office and faculty are collaboratively responsible for providing approved academic adjustments and/or auxiliary aids and services that are within their respective control for a student with a disability, as designated or specified in the Faculty Notification Letter, and that any concerns regarding the information contained therein shall be referred to the SSD Office and not the student.

Reporting Requirements:

- a. By October 1, 2018, the College will provide a draft of its revised policy and procedures described in Action Item B above for OCR's review and approval. Incorporating OCR's input, the College will finalize its policy and procedures and provide OCR final copy within 30 days of the date of OCR's approval.
- b. Within 14 days after receiving approval from OCR, the College will distribute its revised policy and procedures to the College community comprised of all students, faculty, and staff. The College will submit to OCR documentation that its revised policy and procedures have been distributed and specify the mode of distribution.
- c. Within 14 calendar days after receiving approval from OCR, the College will publish its revised policy and procedures on applicable webpages, student handbooks, and any other related printed or electronic publications where information regarding procedures for academic adjustments and or auxiliary aids and services are contained. Within 7 days after publication, the College will provide OCR with information regarding where its revised policy and procedures are located.
- d. Within 10 calendar days of finalizing its revised policy and procedures, the College will provide OCR with its modified Faculty Notification Letter and will confirm distribution pursuant to provision Action Item B(2).

Action Item C: Protocol Addressing Essential Requirements

1. By October 31, 2018, the College will develop a written protocol to address occurrences when approved academic adjustments and/or auxiliary aids and services may be considered essential requirements of a course that cannot be modified. In instances where an academic adjustment and/or auxiliary aids and services may be considered an essential requirement of a course that cannot be modified, the protocol will establish that, in making such determination, the University will consider, among other factors, that decisions regarding essential requirements be made by a group of people who are trained, knowledgeable and experienced in the area, through a careful, thoughtful and rational review of the academic program and its requirements, and that the decision-makers consider a series of alternatives for the essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability.

Reporting Requirement:

- a. By October 1, 2018, the College will provide a draft of its written protocol described in Action Item C above for OCR's review and approval. Incorporating OCR's input, the College will finalize its policy and procedures and provide OCR final copy within 30 days of the date of OCR's approval.
- b. Within 14 days after receiving approval from OCR, the College will distribute its written protocol to SSD staff. The College will submit to OCR documentation that its written protocol has been distributed, including a list of SSD staff recipients.

Action Item D: Training

1. By December 1, 2018, the College will provide annual training to faculty and staff, who are responsible for receiving, considering, approving, and implementing requests for academic adjustments and/or auxiliary aids and services about their responsibilities to students with disabilities. The training should address, at a minimum, information about the policy, procedures, and protocol, as developed in accordance with Action Items B and C; and emphasize that faculty and staff are responsible for providing academic adjustments and/or auxiliary aids and services for a student with a disability as designed on the Faculty Notification Letter from the College's SSD Office. The training may be provided in person or through video, online, or other formats; however, the College must ensure that faculty and staff have an opportunity to ask questions or request clarification of the trainer(s) on the material presented.

Reporting Requirement:

- a. At least 30 days prior to the first in the series of planned training sessions, the College will provide for OCR's review and approval, the training materials prepared, including the name(s) and title(s) of the trainer(s), their qualifications,

- and agenda or outline of the training, and any handouts or presentations developed.
- b. Within 30 days of OCR's approval, the College will schedule the training session(s).
- c. Within 15 calendar days after the training, the College will provide OCR a list of faculty and staff participants and a copy of the sign-in sheet from the training session(s).

The College understands that by signing this 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 this 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 of this Agreement. Upon the College's satisfaction of the commitments made under this Agreement, OCR will close 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 will give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: _____ 8/13/2018 _____
Dr. Mary Thornley
President
Trident Technical College