

RESOLUTION AGREEMENT
Surry Community College
OCR Complaint No. 11-16-2165

Surry Community College (the College) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-16-2165. This Agreement does not constitute an admission by the College of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item A: The Student

1. By December 15, 2017, the College's Office of Disability Services (ODS) will extend a written offer to meet with the Student.¹ ODS will offer to engage in an interactive process with the Student and specifically respond to any request for an accommodation of extended time to submit assignments and reports for the XXXX and subsequent upcoming academic semesters.
2. If the Student agrees, ODS will schedule and conduct the meeting within two weeks of receiving notice of that agreement. As a part of the interactive process, ODS will specifically discuss with the Student and consider the following: the nature and extent of the Student's disability; how the Student is impacted by the disability; any existing information provided by third parties, including the Student's healthcare providers recommending that the Student receive extra time to submit assignments and reports, if applicable; any new information that the Student provides for consideration; and any other relevant information in the Student's College record. The College will document this meeting in the Student's ODS file.
3. ODS will complete the interactive process (in-person, by telephone, or electronically) and reach a determination as to whether the accommodation request will be approved or denied. Such determination will be based on the Student's individual needs and will not be governed by categorical limitations contained in the College's Disability Services Manual, "Chronic Health Issues and Possible Needs for Flexibility," "Deadline Extension Request Form," or other relevant forms (the Policy). ODS will consider the Student's disability and its impact, her requested accommodation, and any unique characteristics of her course of study and classes in determining whether the requested accommodation is reasonable. ODS will provide the Student with written notice of its determination within one week of meeting with the Student.
 - a. If the requests are approved, the accommodations will be added to the Student's Reasonable Accommodation Form (the Form). A copy of the Form will be provided to the Student for distribution to her instructors. At the Student's request, the College will distribute the Form to each of her instructors.

¹ If the Student wishes, she may invite an advocate of her choice, including her parent.

- b. If the request is denied, ODS will explain in the written notice the basis for the denial and will advise the Student of her right to challenge the decision through the College's disability discrimination complaint procedure.

Reporting Requirements:

- a. By December 15, 2017, the College will provide OCR a copy of its written offer to the Student under provision Action Item A(1).
- b. By January 15, 2018, the College will inform OCR whether the Student agreed to meet and engage in an interactive process under provision Action Item A(1). If so, by February 15, 2018, the College will provide OCR with documentation of the Disability Services meeting with the Student under Action Item A(2).
- c. By January 30, 2018, the College will report to OCR its determination on the accommodation request under provision Action Item A(3), including a description of the information it considered and the basis for its determination. The College will also provide OCR a copy of the written notice of the determination to the Student. If the request is approved, the College will provide OCR a copy of the Student's updated Reasonable Accommodation Form and confirm that the Form was provided to the Student and, at the Student's request, to her instructors.

Action Item B: The College's Extended Time Policy

1. The College will modify its existing policy regarding the provision of extended time to students with disabilities (the Policy) to clarify that ODS will determine whether a student with a disability should be provided extended time to submit assignments, tests, and exams as an accommodation, including under what circumstances and the amount of extended time necessary, 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. As a part of this modification the College will:
 - a. Clarify that ODS will consider extended time to submit assignments, tests, and exams as an accommodation upon notice of a student's need for the accommodation and/or specific request regardless of whether the assignments appear on a syllabus or have completion dates of one week or more;
 - b. Clarify that ODS, not an instructor, is responsible for determining whether a student should be provided this type of accommodation, including whether such an accommodation would be a fundamental alteration; and
 - c. Clarify that the amount of extended time approved as an accommodation will be determined by ODS based on the individual needs of the student.
2. The College will distribute the modified Policy to all ODS staff persons who interact with students and faculty members regarding accommodations, all College faculty members,

and will provide the same staff and faculty members with effective training to ensure consistent implementation.

3. The College will ensure that its ODS Accommodation Plan and other forms specifically list extended time on assignments as an available accommodation. The College will distribute the modified forms to relevant ODS personnel with direction to begin using them upon receipt.

Reporting Requirements:

- a. By January 30, 2018, the College will provide a draft of the modified Policy under provision Action Item B(1) for OCR's review and approval. Incorporating OCR's input, the College will finalize the Policy and provide OCR a final copy within 30 days of the date of OCR's approval.
- b. Within 30 days of finalizing the modified Policy, the College will confirm to OCR that it has distributed the modified Policy and provided effective training as required by provision Action Item B(2). The College will provide the names of the presenters and their qualification, the date of the training, a list of those who attended, and a copy of the agenda and presentation materials used.
- c. Within 10 days of finalizing the modified Policy, the College will provide OCR with its modified Disability Services Reasonable Accommodation Form and other related forms² and will confirm distribution pursuant to provision Action Item B(3).

Action Item C: Training

By May 30, 2018, the College will provide training to faculty and staff, who may be points of contact for a student who makes a request for such services and who are responsible for implementing accommodations/academic adjustments and/or auxiliary aids and services, about their responsibilities to students with disabilities. The training should address, at a minimum, the College's responsibilities with regard to responding to a student's request for accommodations/academic adjustments and/or auxiliary aids and services whether the request is verbal or in written form, necessary documentation, the interactive process, essential academic requirements, and with particular attention to implementation of such accommodations/ adjustments or services and how to respond to questions that arise.

Reporting Requirements:

- 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), and agenda or outline

² If the College continues to use forms such as the "Chronic Health Issues and Possible Needs for Flexibility" form, the College will submit it as well.

of the training, and any handouts or presentations developed. OCR will make reasonable efforts to respond to the College in a timely manner.

- b. Within 10 calendar days of the completion of the series of approved training, the College will submit to OCR the name(s) and title(s) of the trainer(s), the date of the training, the material used or disseminated, and the sign-in sheets indicating the names and titles of participants.

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, 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 and is in compliance with the regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall 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 shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: /s/ Date: 12/12/2017
Dr. David R. Shockley
President
Surry Community College