

RESOLUTION AGREEMENT
Tidewater Community College
OCR Complaint No. 11-18-2196

Tidewater Community College (the College) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-2196. This Agreement does not constitute an admission by the College of a violation of Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), the Age Discrimination Act of 1975 (the Age Act), or any other law enforced by OCR.

I. INDIVIDUAL REMEDY

- A. If the Complainant chooses to reenroll in XXXXX (the Program) at the College XXXXX, she will have the option of either (1) taking all of her in-person courses at or (2) taking her in-person courses at XXXXX. If the Complainant chooses Option 1, she would have the instructor named in the complaint (the Instructor) for XXXXX. If she were to choose Option 2, she would not have any class or XXXXX interaction with the Instructor. In addition, an identified XXXXX Counselor will serve as the Complainant's point of contact should the Complainant have any concerns regarding discrimination, harassment, and retaliation by faculty or staff while enrolled in the Program.

Reporting Requirement:

1. By XXXXX, the College will notify OCR as to whether the Complainant chose to reenroll in the Program.

II. POLICIES AND PROCEDURES

- A. By April 26, 2019, the College will review and revise Policy No. 1200 - Equal Opportunity and Nondiscrimination, Policy No. 2210 – Student Complaints, and any other relevant policies and procedures to include revised definitions of discrimination and harassment and add the definition of hostile environment. The College will publish the revised policies on its website and in any relevant printed materials.

Reporting Requirements:

1. By March 29, 2019, the College will submit the policy revisions pursuant to Provision II(A) for OCR's review and approval. Within 14 calendar days of the College's submission, OCR will review and provide the College with notice of approval or requested edits.
2. By April 26, 2019, the College will provide OCR with documentation demonstrating that Provision II(A) of the Agreement has been completed, including the web address where the revised policies are posted, a copy of any

printed materials that include the revised policies, and a description of how faculty, staff, and students were notified about the revised policies.

- B. By April 26, 2019, the College will revise its grade appeal procedure to explain that if a grade appeal would require the student to discuss his or her disability, the student will not be required to discuss the disability or any accommodations in front of a panel that includes their peers as part of the final course grade appeal procedure. A student may instead discuss that aspect of the appeal with the Coordinator of Educational Accessibility.

Reporting Requirements:

1. By March 29, 2019, the College will submit the procedure revision pursuant to Provision II(B) for OCR's review and approval. Within 14 calendar days of the College's submission, OCR will review and provide the College with notice of approval or requested edits.
2. By April 26, 2019, the College will provide OCR with documentation demonstrating that Provision II(B) of the Agreement has been completed, including the web address where the revised policy is posted, a copy of any printed materials that include the revised policy, and a description of how faculty, staff, and students were notified about the revised policy.

III. TRAINING

- A. By June 14, 2019, the College will provide training on the approved policies outlined in Provision II(A) above to all staff involved in investigations of discrimination complaints including all vice presidents, campus provosts, and campus deans of student services. The training will also include information on how to investigate discrimination complaints. References to the revised policies will also be integrated into existing trainings, meetings, and other appropriate opportunities to reinforce the protections of federal civil rights laws.

Reporting Requirements:

1. By May 3, 2019, the College will submit a draft plan for implementation of the training developed in accordance with Provision III(A) for OCR's review and approval, including the training date(s), the name, expertise and credentials of the presenter(s), and a description of the training content. Within seven calendar days of the College's submission, OCR will review and provide the College with notice of approval or requested edits.
2. Within one week of the training session(s) detailed in Provision III(A), the College will provide to OCR documentation related to the training, including the

date(s) of each training and the name and position of each employee who attended the training.

- B. By June 14, 2019, the College will provide anti-harassment and non-discrimination training to all staff and faculty of the Program XXXXX.

Reporting Requirements:

1. By May 3, 2019, the College will submit a draft plan for implementation of the training developed in accordance with Provision III(B) for OCR's review and approval, including the training date(s), the name, expertise and credentials of the presenter(s), and a description of the training content. Within seven calendar days of the College's submission, OCR will review and provide the College with notice of approval or requested edits.
 2. Within one week of the training sessions detailed in Provision III(B), the College will provide to OCR documentation related to the training, including the date(s) of the training and the name, position, signature of each employee who attended the training.
- C. The College will continue its practice of providing at least one disability services training to all staff and faculty of the Program XXXXX. The College agrees that such training will take place by June 14, 2019.

Reporting Requirement:

1. Within one week of the training sessions detailed in Provision III(C), the College will provide to OCR documentation related to the training, including the date(s) of training and the name, position, signature of each employee who attended the training.

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: _____
Dr. Gregory T. DeCinque
Interim President

Appendix A

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