

RESOLUTION AGREEMENT
Northern Virginia Community College
OCR Case No. 11-22-2096

Northern Virginia Community College (the College) agrees to fully implement this Resolution Agreement to resolve the allegations investigated in Office for Civil Rights (OCR) Case No. 11-22-2096. This Agreement does not constitute an admission by the College of a violation of 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 1 – The Complainant

By October 1, 2022, with respect to the Complainant's enrollment in the XXXX (the Course) at the College's Woodbridge Campus, taught by the Course instructor (the Instructor) during the XXXX semester, the College will offer the Complainant the opportunity to retake the final examination in the Course initially administered on XXXX, ensuring that the Complainant is provided with the required extended time of time and a half on the examination.

Reporting Requirements:

- a. By October 15, 2022, the College will send written notification to the Complainant offering the Complainant the opportunity to retake the Course's final examination with the required extended time of time and a half, using the Complainant's last known email and postal mailing addresses. The College will provide the Complainant with 15 calendar days to respond by email or postmarked mail to accept or decline the offer.
- b. If applicable, within 30 calendar days of the Complainant accepting or declining the offer, the College will provide OCR with documentation of the Complainant's response, and the provision or implementation of the offer, if accepted.

Action Item 2 - Training

The College will provide training to all faculty members, including adjunct faculty, who teach or are responsible for the XXXX courses taught at the College's Woodbridge Campus, as well as the respective Deans for those faculty members, regarding their obligations to provide students with accommodations approved by the College's Accommodations and Accessibility Services Office. The training will cover the requirements under Section 504 and Title II of College faculty and staff to provide approved accommodations, that faculty members are not to unilaterally deny accommodations, and that any concerns about implementing such accommodations are to be addressed in conjunction with the College's Accommodations and Accessibility Services Office. The training will also address Section 504 and Title II's general prohibition on disability-based discrimination.

Reporting Requirements:

- a. By October 1, 2022, the College will submit to OCR, for OCR's review and approval, a copy of the proposed training materials and the name(s), position title(s), and qualifications of the individual(s) who will conduct the training.
- b. Within 30 calendar days of receiving OCR's approval, or by December 1, 2022, whichever is later, the College shall conduct the training and provide verification to OCR, including: (a) the name of the individual(s) who conducted the training, or source of training (whichever is applicable); (b) the date(s) of the training session(s); (c) all training materials; and (d) records confirming attendance of the College personnel who participated in each training session (*e.g.*, a sign-in sheet with the names, signatures, and position titles, or other agreeable forms of certification of attendance).

Action Item 3 – The Instructor

The College will provide training to the Instructor if she becomes employed by the College regarding her obligation to provide students with accommodations approved by the College's Accommodations and Accessibility Services Office. The training will be the same as that approved by OCR in Action Item 2.

Reporting Requirements:

By May 8, 2023, the College will submit to OCR, a statement of whether or not the Instructor was employed by the College during the 2022-2023 academic year, and if so, documentation that the College trained the Instructor, including: (a) the name of the individual(s) who conducted the training; (b) the date(s) of the training session(s); and (c) all training materials.

By signing this Agreement, the College agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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.

The College understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the College is in compliance with the terms of the Agreement and with Section 504 and its implementing regulation at 34 C.F.R. Part 104, as well as Title II and its implementing regulation at 28 C.F.R. Part 35.

The College understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings,

OCR will give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____ Date: _____
Anne M. Kress, PhD
President
Northern Virginia Community College