

Resolution Agreement
Cincinnati State Technical and Community College
OCR Docket No. 15-13-2209

Cincinnati State Technical and Community College (the College) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35; accordingly, the College agrees to take the following actions:

I. College-wide Remedies

- A. By June 6, 2014, the College will draft and submit to OCR a revised brochure for its Office for Disability Services (ODS) regarding the provision of academic adjustments and auxiliary aids and services for students with disabilities. The brochure is currently available online at http://www.cincinnati.state.edu/real-world-academics/student-services/files/ods_broch_revised3_bw.pdf. The ODS brochure will be consistent with the regulations implementing Section 504 and Title II, and will, at a minimum:
1. Delete the word “reasonable” in any reference to “reasonable accommodations”. The relevant standard, found in 34 C.F.R. § 104.44, is that the College shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. The regulation does not require the College to waive or lessen any academic requirements that the College can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement.
 2. Delete any reference to the student’s medications and their expected impact on functioning. Medications can be referenced if a modification to a policy is being referenced; e.g., a student is permitted to eat or drink when taking medications in the classroom, if necessary.
 3. Clarify or delete the language regarding documentation requirements including “as it relates to the accommodations requested” in the phrase “Specific limitations with respect to current impact in the college and related education environments as it relates to the accommodations requested;” providers of medical documentation are not best situated to determine the student’s disability-related needs in a college environment, as they are not in the college environment. Rather, ODS and the student should have a discussion of the student’s needs because of the functional limitations imposed by the student’s disability.

- B. By June 6, 2014, the College will revise and submit to OCR its ODS Policies & Procedures booklet, currently available online at <http://www.cincinnatiatstate.edu/real-world-academics/student-services/images-files/ODS%20Policies%20and%20Procedures%20Booklet.pdf/view?searchterm=policies>. The College will also submit revised versions of any other policies and procedures and other documents needing revision to ensure consistency with the new ODS Policies & Procedures. The ODS Policies & Procedures will be consistent with the regulations implementing Section 504 and Title II, and will include, at a minimum:
1. Deletion of the word “reasonable” in any reference to “reasonable accommodations”. The College agrees to use the relevant standard, found in 34 C.F.R. § 104.44, as described in I.A.1 above.
 2. A requirement that, should disability documentation submitted by a student be determined by ODS to be inadequate, ODS will notify the student in a timely manner why it believes the documentation is inadequate and what additional documentation is needed to support the existence of a disability and/or the need for the requested services.
 3. Encouragement for an interactive process between ODS and the student with a disability, in consultation with appropriate faculty and other program personnel, as necessary, to determine all necessary and appropriate academic adjustments based on the student’s individual disability-related needs and the nature of the program(s) in which a student is enrolled. Upon notification from a student that the agreed-upon services are not effective, ODS staff will work with that student to resolve the problem within a reasonable time period and through an interactive process.
 4. A statement that no individual has the authority to unilaterally limit or deny a student an academic adjustment approved by ODS personnel, and a process for ODS to communicate with faculty the academic adjustments a student is to receive and that makes clear that the academic adjustments to be provided are not at the discretion of any one person.
 5. Timely notification to the student in writing of all specific academic adjustments that have been agreed to and of any denial of requested adjustments and the reason(s) for the denial informing them of the appeal procedure that can be used to challenge the denial of requests. This process will include the full documentation by ODS in the student’s case file of the date of the request, the nature of the request, and any supporting documentation, the reason(s) for the denial, and any interactive process between the College and the student. Students may also file an internal complaint about their adjustments or services through the College’s general Section 504/Title II grievance procedures developed pursuant to Item C

below. This process will also be available to address any complaints of disability discrimination under Section 504 and Title II.

6. A statement identifying the College's Section 504/Title II coordinator and contact information for that person.
- C. By June 6, 2014, the College will either revise the "Non-Discrimination Policy" or draft a replacement grievance procedure that incorporates appropriate due process standards and that provides for the prompt and equitable resolution of complaints alleging any action prohibited under Section 504 and Title II. The revised/replacement grievance procedure will include, at a minimum:
1. Notice to students and employees of the procedure, including specifically where complaints may be filed.
 2. Application of the procedure to complaints alleging discrimination carried out by employees, other students, or third parties.
 3. Adequate, reliable, and impartial investigation of complaints, including the opportunity to identify witnesses and other evidence.
 4. Designated and reasonably prompt timeframes for the major stages of the complaint process.
 5. Notice to the parties of the outcome of the complaint.
 6. An assurance that the College will take steps to prevent recurrence of any disability discrimination found to have occurred, and to correct any discriminatory effects on the grievant and others, if appropriate.
 7. Clarification that there will be situations in which it would never be appropriate to have the parties confront one another in the resolution process (e.g., an alleged student harassment victim and employee harasser).
- D. Within 90 calendar days after receipt of the OCR-approved new policies and procedures and the grievance procedure pursuant to Items A, B and C above, the College will adopt and implement the new policies and procedures and grievance procedure and will review all of its existing policies and procedures that address Section 504 and/or Title II to ensure they are consistent with the new policies and procedures and the grievance procedure and to take steps to eliminate confusion for students and employees. The College will also provide notice to all students, faculty, and staff of the new policies and procedures and the grievance procedure, provide them to students as an insert for the existing Student Handbook and explain how other individuals may obtain a hard copy; publish the new policies and procedures and the grievance procedure on its website and in all applicable

electronic documents; publish the new policies and procedures and the grievance procedure in future printings of the Student Handbook and the new grievance procedure in future printings of any employee handbooks; and implement a method of training faculty and relevant staff in the College's procedures for providing academic adjustments to students with disabilities and addressing disability discrimination grievances as revised in accordance with Items A, B and C above. The person providing the training must be a competent authority on Section 504 and Title II. Training may be accomplished through already established faculty and/or staff meetings or by an alternative means determined by the College that will provide effective access to the information to be disseminated.

- E. By June 6, 2014, the College will provide written notice to its faculty, staff, and administrators that student requests for disability accommodations are to be initiated, by the student, at ODS. The notice will also state that any other person or entity that receives a request for a disability accommodation shall refer the requesting student to the ODS.

Reporting Requirements: By June 6, 2014, the College will provide OCR with the proposed draft policies and procedures, any other documents revised for consistency, and the proposed draft Section 504/Title II grievance procedure pursuant to Items A, B and C above and a copy of the notices issued pursuant to Item D above and a list of the names and titles of the persons to whom the notices were issued. Within 90 calendar days after receiving the OCR-approved policies and procedures and the grievance procedure, the College will, in accordance with Item D above, submit to OCR a copy of any resolution adopting the new policies and procedures and the grievance procedure, as well as a certification that it has reviewed all of its existing policies and procedures that address Section 504 and/or Title II to ensure they are consistent with the revised policies and procedures and grievance procedure and has taken steps that eliminate confusion for students, faculty, and staff. Also, in accordance with Item D above, the College will provide a copy of the notice sent to students, faculty, and staff; a copy of the revised cross-reference page(s) from each applicable College publication; the link to the revised documents on the College's website; the date(s), time(s), and location(s) when the College's training was held; the name, title, and qualifications of the person providing the training; a copy of the sign-in sheet for attendees that lists the name and title of each attendee; a copy of the training agenda; and a copy of any training materials distributed during the training.

General Requirements

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the College has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.7, 104.43, and 104.44(a) and Title II and its implementing regulation at 28 C.F.R. §§ 35.107 and 35.130, which were at issue in this case.

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 this 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 and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.7, 104.43, and 104.44(a) and Title II and its implementing regulation at 28 C.F.R. §§ 35.107 and 35.130.

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.

/s/

04/11/14

President of College or Authorized Designee

Date