

Resolution Agreement
Henry Ford Community College
OCR Docket No. 15-14-2134

Henry Ford 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 the College's compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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. The College makes no admission of liability by entering into this agreement. The College agrees to take the following action steps:

I. The College's "Student Conduct Policy and Due Process Procedure"

- A. By July 15, 2015, the College will submit to OCR for review and approval revisions to its policy and procedure contained in the document titled "Student Conduct Policy and Due Process Procedure" and any associated documents to ensure that:
1. the policy and procedure do not subject students who have mental disabilities or who are perceived as having mental disabilities to different treatment than students without disabilities with respect to their attendance at the College absent the College being able to demonstrate that the student poses a direct threat to others; and
 2. any determination that a student poses a direct threat to others is made through an individualized assessment based on reasonable judgment relying on the most current medical knowledge of the individual or the best available objective evidence. This assessment must determine the nature, duration, and severity of the risk, the probability that the potentially threatening injury will actually occur, and whether reasonable modifications of policies, practices, or procedures will significantly mitigate the risk. In exceptional circumstances, such as situations where safety of others is of immediate concern, the College may take interim steps pending a final decision regarding any adverse action against a student as long as minimal due process is provided in the interim and full due process is offered later.

REPORTING REQUIREMENT: By July 15, 2015, the College will provide OCR with a draft of its revised policy and procedure language for review and approval.

- B. Within 45 calendar days of receipt of the OCR-approved revised policy and procedure in the Student Conduct Policy and Due Process Procedure,

the College will secure approval from the Board of Trustees to adopt and will begin implementing the policy and procedure.

REPORTING REQUIREMENT: Within 60 calendar days after receiving written notification from OCR of the OCR-approved revised policy and procedure, the College will submit documentation to OCR to verify that it has adopted the OCR-approved policy and procedure.

II. Notification, Publication, and Training

- A. Within 90 calendar days after receiving the OCR-approved revised policy and procedure, the College will publish the revised policy and procedure in the Student Conduct Policy and Due Process Procedure, in any publication that includes the Student Conduct Policy and Due Process Procedure, on the College's website, and by any other means determined to effectively notify students and staff of the revised policy and procedure. The College may publish an insert to the Student Conduct Policy and Due Process Procedure or any publication that includes the Student Conduct Policy and Due Process Procedure pending the next publication of that document.
- B. Within 90 calendar days after receiving the OCR-approved revised policy and procedure, the College will provide training to its Section 504 Coordinator and other College officials involved in the College's emergency withdrawal and admission/readmission process for students on the revised policy and procedure. This training will also cover the general nondiscrimination prohibitions of Section 504 and Title II, which would include not treating students with mental disabilities or perceived mental disabilities differently than students without disabilities based on stereotypes or perceived generalizations about categories of disability.

REPORTING REQUIREMENT: Within 120 calendar days after receiving the OCR-approved revised policy and procedure, the College will submit to OCR documentation to verify that it implemented items II.A and B above, including but not limited to, a listing of where the revised Student Conduct Policy and Due Process Procedure appears and how students and staff were advised of the updated version, including a link to the Student Conduct Policy and Due Process Procedure on the College's website, as well as any agendas, outlines, handouts, and sign-in sheets from the training(s) provided to the Section 504 Coordinator and College officials along with information on who provided the training and their credentials.

III. Individual Remedy

- A. The College will immediately provide to the OCR proposed correspondence to the Student outlining that the Student's XXXXXXXX XXXX suspension has

been lifted and he is able to register for classes. Additionally, the College will inform the Student, through the use of its own records, the amount it will reimburse him for tuition fees and books paid by or on behalf of the Student, which the College calculates at \$2,886.31. The Student will be further advised that he will have fourteen (14) calendar days from the date of the College's correspondence to produce any additional receipts for reimbursement for College-related expenditures for the XXXXXXXX XXXX winter semester. The Student will be informed that any additional receipts for reimbursement must be mailed to the Vice President of Student Affairs. All correspondence to the Student shall be to his last known address with a copy via e-mail. Finally, the Student will be reminded that the reimbursement does not affect his financial aid obligations to the Federal government. Also, the correspondence to the Student may include a copy of the College's most current Student Conduct Policy and Due Process Procedure and the Student may be advised that should he choose to re-enroll in the College, he must abide by the rules and guidelines noted in the Student Conduct Policy.

- B. Following receipt or non-receipt of the Student's records, the College will issue, within seven (7) calendar days, the reimbursement check to the Student or other appropriate entity for the tuition, books, or similar items documented pursuant to item III.A above.

REPORTING REQUIREMENTS: After the OCR has approved the College's correspondence to the Student and no later than July 1, 2015, the College will send the approved correspondence to the Student and the College will simultaneously send a copy of said correspondence to the OCR.

No later than July 22, 2015, the College will send the Student a reimbursement check at the Student's last known address and a copy of said correspondence will be sent to the Student via e-mail. Simultaneously, the College will send to the OCR a copy of the reimbursement check, as well as records of any relevant expenses submitted by the Student or obtained from the College's records.

- C. By July 15, 2015, the College will delete from its records and from the Student's transcript any classes the Student was unable to complete because of his XXXXXXXX XXXX suspension, as well as any record of the suspension, if applicable.

REPORTING REQUIREMENT: By August 1, 2015, the College will send to OCR documentation demonstrating that it has deleted from its records and from the Student's transcript any classes the Student was unable to complete because of his suspension and any record of the suspension. The documentation will include a copy of the Student's transcript and a statement signed by the College's registrar that the College has deleted these items from the Student's records.

GENERAL REQUIREMENTS

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 regulations implementing Section 504 at 34 C.F.R. § 104.4 and Title II at 28 C.F.R. § 35.130, which were at issue in this investigation.

The College understands that OCR will not close the monitoring of the Agreement until OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with Section 504 and its implementing regulation, at 34 C.F.R. § 104.4 and Title II at 28 C.F.R. § 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/

06/18/2015

President or authorized designee

Date