

**Resolution Agreement
Cincinnati State Technical and Community College
OCR Docket 15-16-2025**

The 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 of the above-referenced complaint and to ensure the College's 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

In order to ensure compliance with the Title II regulation at 28 C.F.R. Part 35, Subpart E, the College will ensure that students who are xxxxx xxxx xxxxxxxxxxxxxx will receive auxiliary aids and services necessary for them to receive equal access to the information-content of any course in which they enroll and any program or activity of the College in which they participate. This will include access that is timely and effective and employs the methods of delivering information, including but not limited to xxxxxx xxxxxxxx xxxxxxxx, which give primary consideration to the requests of the individual as required by Title II.

The College agrees to take the following actions:

Action Steps

1. By December 16, 2016, the College will notify the Student, in writing, that the College will provide timely and effective xxxxxx xxxxxxxx xxxxxxxx xxxxxxxx to the Student for all College programs and activities including, but not limited to, all academic and extracurricular activities and meetings, for which such an accommodation has been requested. The letter will state that xxxxxxxx xxxxxxxxxxxxxx will be provided without requiring unreasonable advance notice from the Student that prevents the Student from participating in activities scheduled by other individuals. The letter will also identify the name, title and contact information for a College staff person the Student may contact to address any issues she experiences obtaining xxxxxxxx xxxxxxxx.

Reporting Requirements: By January 13, 2017, the College will provide OCR with a copy of the letter to the Student, as well as documentation regarding any xxxxxxxx xxxxxxxx the Student has requested since the date of the Agreement, whether those requests have been granted or denied, and the reasons for any denial.

2. By March 31, 2017, the College, under the direction of a College-level administrator outside of the Office of Disability Services (ODS), will complete a review of its system of delivery of xxxxxxxx xxxxxxxx xxxxxxxx xxxxxx in order to assess what its current needs are to ensure that students who are xxxxxx xx xxxx xxx xxxxxxxx will receive the auxiliary aids and services necessary to provide them with equal access to the College's programs and activities. The review and assessment will be captured in a written report. The review and assessment will take into account not just courses in which a student who is xxxx xx xxxx xx xxxxxxxxxxxxxx may enroll, but also all of the other forms of

communication and participation in College programs and activities for which xxxxxxxx xxxxxxxx may be needed. The review and assessment will also take into account any applicable personnel rules or contractual provisions that will affect the College's ability to promptly meet its obligations to xxxx xx xxxx xx xxxxxxxx students. If the review and assessment show such a need, the College will hire or contract for the provision of sufficient numbers of xxxxxxxx xxxx xxxxx xxxxxxxxxx to provide effective coverage under normal circumstances and sufficient excess capacity for logically predictable resource shortages, e.g., illness, accidents, family and personal emergencies. If the review and assessment indicate changes to the College's ODS policies and procedures are required, the College will revise its ODS policies and procedures as necessary subject to any and all College approval processes in place, after submitting proposed revisions to OCR for review and approval.

Reporting Requirements:

- a. By May 15, 2017, the College will provide OCR with a copy of its review and assessment report that identifies its needs, and includes a concrete description of the steps the College has taken, or will be taking in the future, to address each identified need.
 - b. The College will implement all the steps identified in the review and assessment report and document them to OCR expeditiously, but no later than October 15, 2017.
3. By November 30, 2016, the College will identify in writing the xxxxxxxxxx auxiliary aid(s) or service(s) offered to each xxxxxxxx xxxxxxxxxx student, including the Student, by the College for the 2016-2017 academic year. The College will also identify any alternative auxiliary aid(s) or service(s) offered by the College listed for each such student in an order of preference mutually agreed to by the student and College. For students who need or prefer xxxxxxxx xxxxxxxxxx xxxxxxxx xxxxxx, the College will provide these students with xxxxxxxx xxxxxxxxxx unless it has made a determination and can demonstrate that such a request amounts to an undue financial and administrative burdens or fundamentally alters the nature of a College service, program, or activity. Any decision that compliance would result in a fundamental alteration or undue financial and administrative burdens must be made by the president of the College or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. In the case where provision of xxxxxxxx xxxxxxxx would amount to a fundamental alteration or undue financial and administrative burdens, the College will nevertheless ensure that to the maximum extent possible the individual with a disability receives the benefits or services provided by the College.

Reporting Requirements: By May 15, 2017, the College will report to OCR with information on services it provided to xxxxxx xxxxxx xxxxxxxxxx students during the 2016-2017 academic year. The report will include a list of the students who were approved to receive xxxxxx xxx xxx xxxxx xxxxxxx xxxxxxxxxx aids and services, the xxxxxxxx xxxxxxxx xxxxxxxxxx for which the aids and services were provided, and

details about whether services approved were provided in a timely and accurate manner for each student in each context.

4. By December 30, 2016, the College will prepare, and submit to OCR for approval, a survey to be sent to the Student and other xxxxxx xxxx xxxxxx xxxxxxxxxxxx students enrolled at the College during the 2015-2016 academic year and registered with (ODS) in an effort to ascertain disability-related climate concerns and receive feedback. The survey recipients will also be invited to set up individual meetings with College administrators to further discuss student-specific accommodations. Once approved, the survey shall be provided within thirty (30) days to the Student and other xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxx enrolled at the College and registered with ODS. Survey recipients will be instructed to return their respective surveys to the xxxxxxxx xx ODS no later than fourteen (14) days after it is received. The xxxxxxxx xxx ODS, in coordination with appropriate College administrators, will prepare a memorandum indicating any concerns raised by the survey and any resulting actions agreed to by the College. The memorandum, once finalized, will be shared with both College administration and the students who participated in the survey.

Reporting Requirements:

- a. By January 13, 2017, the College will submit its draft survey.
 - b. By May 15, 2017, the College will submit documentation to OCR verifying its implementation of paragraph 4 above, including a copy of the survey sent to the students, the list of students to whom the survey was sent, the memorandum issued, and verification that the memorandum was sent to the students and the College administrator. The college will also submit documentation to OCR of any actions the College took pursuant to the memorandum.
5. By March 31, 2017, the College will provide training for all ODS managers and staff on Section 504's and Title II's requirements regarding the provision of disability-related academic adjustments and auxiliary aids and services to students with disabilities, Title II's requirements regarding xxxxxxxx xxxxxxxxxxxx with individuals with disabilities, and Section 504's and Title II's prohibition against disability harassment. The training will be provided by a competent authority on Section 504 and Title II.

Reporting Requirements: By May 15, 2017, the College will provide OCR with the date(s) and time(s) when the training was held; the location where the training was held; the name, title, and qualifications of the individual who conducted the training; a copy of a sign-in sheet with the name and title of each attendee; a copy of the training agenda; and a copy of any training materials used or 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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a), 104.43, and 104.44(d) and Title II at 28 C.F.R. §§ 35.130(a) and 35.160(a) and (b), 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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a), 104.43, and 104.44(d) and Title II at 28 C.F.R. §§ 35.130(a) and 35.160(a) and (b).

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 sixty (60) calendar days to cure the alleged breach.

/s

11/9/2016

President or Authorized Designee

Date