

**Resolution Agreement  
Ohio Technical College  
OCR Docket #15-16-2098**

Ohio Technical College (the College) agrees to resolve the allegation of discrimination in the above referenced complaint, filed with the U.S. Department of Education, Office for Civil Rights (OCR). The College submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, and its implementing regulation at 34 C.F.R. Part 104. The College agrees to implement the actions set forth below:

**Action Steps**

1. By March 1, 2017, the College will draft and submit for OCR review and approval, a revised application for admission that removes all inquiries and references related to physical limitations, disability status, and medical status of applicants.
2. By March 1, 2017, the College will designate at least one employee who will be responsible for coordination of the College's responsibilities under Section 504, including investigation of any complaint alleging noncompliance with Section 504, or allegations of actions that would be prohibited by Section 504, in accordance with the regulations implementing Section 504. The College will publish the name or title, and contact information of the coordinator(s) by means such as the student handbook (the College may use an insert until the next student handbook is published), the College's website, in any regularly published newsletters, and by other similarly effective means.
3. By March 1, 2017, the College will draft a notice available to staff, students, potential students and applicants that states the College does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities, in accordance with the regulations implementing Section 504. The College will publish the notice by means such as the student handbook (the College may use an insert until the next student handbook is published), the College's website, in any regularly published newsletters, and by other similarly effective means.
4. By March 1, 2017, the College will draft and submit to OCR for review and approval, a grievance procedure that incorporates proper due process standards and provides for the prompt and equitable resolution of complaints alleging disability discrimination, including harassment, in accordance with the regulations implementing Section 504. At a minimum, the procedure must provide for the following:
  - a. notice of the procedure, including where complaints may be filed;
  - b. identification and contact information of the College's Section 504 coordinator(s) as designated pursuant to item #1 above;
  - c. notice that the procedure applies to allegations of discrimination covered by Section 504;

- d. notice that the procedure applies to complaints alleging discrimination carried out by employees, other students, and third parties;
  - e. designated and reasonably prompt timeframes for major stages of the complaint and investigative process;
  - f. impartial investigation of the complaint allegations, including the right to identify witnesses and other evidence;
  - g. an assurance that the College will take steps to prevent recurrence of any discrimination, and to correct discriminatory effects on the complainant and others, if appropriate;
  - h. notice to the parties of the complaint outcome; and
  - i. notice that the College will not retaliate against an individual for initiating a complaint alleging an act prohibited by Section 504, or participating in an investigative process of such allegation(s).
5. By March 1, 2017, the College will draft and submit to OCR for approval an academic adjustment procedure that outlines a process for students, who because of a disability, need academic adjustments or auxiliary aids and services, in accordance with the regulations implementing Section 504. At a minimum, the procedure must provide for the following:
- a. the name or title, and contact information of the College staff responsible for determining student eligibility and ensuring the provision of agreed-upon academic adjustments or auxiliary aids and services;
  - b. assurance that the process—from a student’s initial request for academic adjustments or auxiliary aids and services, through the final determination of adjustments and/or services to be provided—will be coordinated and managed by the College staff designated to oversee the provision of adjustments and/or services to eligible students;
  - c. assurance that the determination of all appropriate academic adjustments and/or auxiliary aids and services for a student with a disability will include input from both the student, and College staff who have experience and/or expertise in the area of disability services;
  - d. assurance that the College will provide students with timely, written notification of all agreed upon adjustments or services, and any denial of requested adjustments or services, including the reason for the denial. In the event of a denial, written notice will inform students of the process to be used to challenge the denial;

- e. assurance that College staff designated to oversee the provision of academic adjustments and/or auxiliary aids and services to eligible students will distribute to faculty a list of all of the adjustments and aids determined to be necessary for students with disabilities enrolled in their courses. The notice will:
  - include instructions for the instructor to contact College staff designated for the oversight of the provision of the adjustments and/or services, should they disagree with the provision of a listed adjustment and/or service for their course;
  - state that no individual instructor will have unilateral authority to deny an eligible student an academic adjustment and/or service that has been approved by College staff designated to oversee the provision of academic adjustments and/or auxiliary aids and services; and
  - state that the process for resolving any faculty dispute over how adjustments or aids will be provided for a course shall include input from the student.
6. Within 45 calendar days of receipt of OCR’s approval of the College’s revised application for admission incorporating the requirements of Action Step 1 above, the College will publish the revised application for admission on its website, and by other similarly effective means; and discontinue publication and use of the original application for admission, which will include removal of the original application from the College’s website.
7. Within 45 calendar days of receipt of OCR’s approval of the policies and procedures pursuant to Action Steps 4 and 5 above, the College will adopt the procedures, publish them on its website, and notify students and staff of the procedures, including where copies of the procedures may be obtained, by such means as publication in the student handbook, any regularly published newsletters, reviewing the information at a staff meeting, and by other similarly effective means.
8. Within 90 calendar days of receipt of OCR’s approval of the policies and procedures pursuant to Action Steps 4 and 5 above, the College will provide training on the policies and procedures to its administrative staff, the College’s Section 504 Coordinator, and any staff involved in the determination of provision of academic adjustments. The person providing the training must be a competent authority on Section 504. The training can be administered in person by a live presenter, but need not be. Additionally, the College will issue a notice to all staff confirming the obligation to provide necessary academic adjustments and/or auxiliary aids and services to eligible students.

**REPORTING REQUIREMENTS:**

- By March 1, 2017, the College will submit to OCR for review and approval the revised application for admission, drafted pursuant to Action Step 1 above.

- By March 1, 2017, the College will submit to OCR information sufficient to document that it has identified a Section 504 Coordinator, and published the coordinator’s contact information as required by Action Step 1 above. The College will also submit to OCR documentation sufficient to establish compliance with Action Step 2 above.
- By March 1, 2017, the College will submit to OCR for review and approval the policies and procedures drafted pursuant to Action Steps 4 and 5 above.
- Within 45 calendar days of receipt of the OCR approved application for admission pursuant to Action Step 1 above, the College will submit information to OCR sufficient to document its publication and use of the OCR-approved revised application for admission, and discontinuation of use of the original application for admission, as required by Action Step 6 above.
- Within 45 calendar days of receipt of the OCR-approved policies and procedures pursuant to Action Steps 4 and 5 above, the College will submit information to OCR sufficient to document its adoption and publication of the OCR-approved policies and procedures as required by Action Step 7 above.
- Within 90 calendar days of receipt of the OCR-approved policies and procedures pursuant to Action Steps 4 and 5 above, the College will submit to OCR documentation showing execution of the requirements of Action Step 8 above. Documentation should include the date the training was held; the location of the training; the name, title, and qualifications of the individuals who facilitated 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; a copy of any training materials distributed during the training; and notice issued to the staff.

### **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. Subpart E, which was 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. Subpart E.

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/

1/6/2017

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Administrator or Designee

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Date