

302 Resolution Agreement
Wayne County Community College District
OCR Docket #15-15-2219

Wayne County Community College District (the College) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 15-15-2219 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 (Section 504), as amended, 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 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. This Agreement has been entered into voluntarily and does not constitute a finding or an admission that the College is not in compliance or has failed to comply with Section 504 or Title II and their implementing regulations and cannot be used to establish any wrongdoing by the College. The College agrees to take the following actions:

Individual Remedies

A. By January **31, 2016**, the College will:

1. Remove the xxx xxxx xxxxxx xxxxx course from xxx xxxxxxxx (the Student) transcript.
2. Remove the tuition and fees (including any lab and book fees) charged to the Student for the xxxx xxxxxxxx xxxxxxxx course from his tuition account.
3. Notify the Student in writing that the College has removed the xxxx xxxxxx xxxxxxx xxxxxxxxxxxxxxxx course and the tuition and fees associated with the course from his transcript and tuition account.
4. Notify the Student in writing that he can retake the xxxxxxxxxxxxxxxx course at the College at no additional charge to him.
5. Invite the Student in writing to meet with staff from the Access Department to engage in the interactive process and determine what academic adjustments and/or auxiliary aids and services are necessary for the Student to have an equal opportunity to participate in xxxxxxxxxxxxxxxx.
6. Provide the Student with a written assurance that all agreed upon academic adjustments and/or auxiliary aids and services will be provided.
7. Assign the Student a primary contact person and an alternate contact person at the College and notify the Student in writing of the names and contact information of these individuals who will be responsible for ensuring that the Student receives timely

academic adjustments and auxiliary aids and services when he enrolls in future classes at any of the Colleges campuses.

8. [xx paragraph xx]
9. Notify the Student by certified letter of the College's xxxxx xxxx xxxxxxxxxxxx xxxxx provide the Student an opportunity to dispute the College's findings within 30 days of receipt of the letter.

REPORTING REQUIREMENT: By January **31, 2016**, the College will submit to OCR documentation and a copy of the written notices provided to the student demonstrating compliance with A.1-9, above, including a copy of any letters of approved academic adjustments developed pursuant to A.5 and a copy of the certified letter sent to Student pursuant to A.9, which will include information regarding the names, titles, telephone numbers, e-mail addresses and office locations of the primary and alternate contact persons assigned to the Student to assist him with obtaining his academic adjustments and auxiliary aids and services in future courses.

College-wide Remedy

Academic Adjustments Policy

1. By February 29, 2016, the College will develop or revise its academic adjustment policy and procedure to address its current process at each of its campuses and District wide for determining the academic adjustments and auxiliary aids and services to be given to a student with a disability. The process will include the following components:
 - a. the name, title and contact information of the staff at the each campus and the District office, responsible for determining student eligibility and for ensuring the provision of agreed-upon academic adjustments or auxiliary aids and services individual(s) responsible the process;
 - b. assurance that the process, from the time of a student's initial request for academic adjustments and/or auxiliary aids and services to the final determination of the adjustments and aids that will be provided, will be coordinated and led by those designated to oversee the provision of academic adjustments and/or auxiliary aids to eligible students;
 - c. notification that the determination of all of the appropriate academic adjustments and/or auxiliary aids and services for the student with a disability will include input from both the student and College staff with experience and/or expertise in the area of disability services, in consultation with faculty where appropriate;

- d. assurance that students will be notified in a timely manner in writing of all specific adjustments or services that have been agreed to and of any denial of requested adjustments or services and the reason(s) for the denial. The notice will inform students of the process that can be used to challenge denial of requests;
- e. documentation by the those designated to oversee the provision of academic adjustments and/or auxiliary aids to eligible students in the student's case file of the date(s) of request(s) for adjustments or services, the nature of each request and any supporting documentation, the reason(s) for any denials, and the process that occurred between the College and the student;
- f. notification by those designated to oversee the provision of academic adjustments and/or auxiliary aids to eligible students to distribute to faculty of all of the academic adjustments and auxiliary aids and services determined to be necessary for students with disabilities enrolled in their courses. The notice will include instructions to contact those designated to oversee the provision of academic adjustments and/or auxiliary aids to eligible students should they disagree with the provision of a listed adjustment or service for their course. The notice will clearly state that no individual instructor will have unilateral authority to deny a student an academic adjustment and/or auxiliary aid or service approved by those designated to oversee the provision of academic adjustments and/or auxiliary aids to eligible students. The process for resolving any faculty disputes over what or how adjustments or aids are to be provided for a course will include the student;
- g. a deliberative process for determining, as necessary, what academic requirements are "essential" and therefore cannot be eliminated or whether a requested modification would fundamentally alter a course or academic program. This process will be designed to ensure that such determinations are made by a group of people, including those designated to oversee the provision of academic adjustments and/or auxiliary aids to eligible students, the College's Section 504 Coordinator, and pertinent faculty and staff, who are trained, experienced, and/or knowledgeable about the program in question and about disability, after a careful, thoughtful deliberation that includes a review of program/course requirements and available options and alternatives, as well as a case-by-case determination about requested adjustments. An academic adjustment should not be denied unless the group makes a rationally justifiable determination that granting the requested adjustment would lower essential academic standards, fundamentally alter the course in question, constitute the provision of personal services or pose an undue burden for the College; if so, the group should also consider if the essential standard could be altered or modified in such a way as not to effect those outcomes. The procedures will include a requirement that the decisions and the reasons supporting them are fully documented by the group.

REPORTING REQUIREMENT: By February 29, 2016, the College will provide a draft of its revised disability-related policies and procedures in accordance with Paragraph 1(a-g) for OCR's review and approval.

2. Within 30 days of receiving written notice from OCR that the academic adjustment procedures revised in accordance with Paragraph 1(a-g) of this Agreement comply with the requirements of Section 504, the College will provide **notice** to all students and faculty of the revised procedures and how to obtain a hard copy. The College will **also publish** the revised procedures to students and faculty on its **website and in writing** through any additional appropriate outlet, such as **student and faculty handbooks**, within 30 days of OCR's written notice mentioned above.
3. Within 30 days of receiving written notice from OCR that the academic adjustment procedures revised in accordance with Paragraph 1(a-g) of this Agreement comply with the requirements of Section 504, the College will train staff involved in determining academic adjustments for students with disabilities on the College's new or revised procedures. 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 any alternative means determined by the College that will provide effective access to the information to be disseminated.

REPORTING REQUIREMENT: Within 30 days of receiving written notice from OCR that the academic adjustment procedures revised in accordance with Paragraph 1(a-g) of this Agreement comply with the requirements of Section 504, the College will provide documentation to OCR sufficient to show its implementation of Paragraphs 2 and 3 above, including but not limited to the notice of the new policies and procedures that it distributed to students and faculty, link to the College web site, revised handbooks, and documentation of training of faculty and relevant staff. Training documentation should include a list of all individuals trained, along with their titles and departments, as well as the date of training.

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, 104.43, and 104.44, and Title II at 28 C.F.R. §§ 35.130 and 35.160, which were at issue in this case.

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, 104.43, and 104.44, and Title II at 28 C.F.R. §§ 35.130 and 35.160.

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

12/18/15

President of College or Authorized Designee

Date
