

RESOLUTION AGREEMENT

I. INTRODUCTION

Guam Community College and the U.S. Department of Education Office for Civil Rights (OCR) enter into this agreement to resolve the disability discrimination allegations in OCR Reference No. 10092020, a complaint filed with OCR under section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and the regulations that implement those statutes at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. This agreement is entered into in accordance with OCR's requirements for resolving complaints before OCR has concluded its investigation or made findings of the college's compliance with the applicable civil rights laws.

II. GENERAL PROVISIONS

- A. The parties to this agreement are the college and OCR.
- B. This agreement resolves only the allegations in the referenced complaint.
- C. This agreement is not intended to constitute, nor shall it be deemed to constitute, an admission by the college of any violation of Section 504, Title II, their implementing regulations, or any other law.
- D. OCR's termination of its investigation of the referenced complaint is contingent upon the college's full implementation of the provisions of this agreement. In the event the college does not adhere to any provision of this agreement, OCR will resume its investigation of the complaint or take other appropriate measures to effect compliance with Section 504, Title II, and their implementing regulations, with respect to these allegations.
- E. This agreement shall become effective when the authorized representatives for both parties have signed this agreement.

III. REMEDIES

A. Policies, Procedures, and Practices

By June 30, 2009, the college will review and revise, as necessary, its policies, procedures, and practices regarding the provision of academic adjustments and auxiliary aids to students with disabilities to ensure that:

1. The college has publicized timeframes by which students with disabilities should request and provide documentation of their need for academic adjustments and auxiliary aids for their effective participation in the college's programs and activities. Such timeframes will be based on the amount of time reasonably required for the college to review students' requests and provide the academic adjustments and auxiliary aids the college determines are necessary for each student.
2. College faculty, accommodative services staff members, and other staff members and administrators who are responsible for providing approved academic adjustments and auxiliary aids for students with disabilities are timely notified of any approved academic adjustments and auxiliary aids so that students with disabilities are able to access and benefit from college programs and activities.
3. College faculty, accommodative services staff members, and other staff members and administrators timely provide the approved academic adjustments and auxiliary aids they are responsible for providing to students with disabilities.
4. When the college determines that a disabled student requires adaptive technology as an auxiliary aid to access the college's computers, such technology is made available to the student when needed.

B. Training and Notice

1. By August 18, 2009, the college will provide training to all college faculty, accommodative services staff members, and other staff members and administrators who are responsible for approving or providing academic adjustments and auxiliary aids to ensure that they properly implement college policies and procedures for providing academic adjustments and auxiliary aids to students with disabilities.
2. By August 18, 2009, the college will take steps to ensure that all students with disabilities are notified of any revisions in the college's policies, procedures, and practices that affect students' requests for and receipt of academic adjustments and auxiliary aids.

C. Implementation of Procedures

By July 31, 2009, the college will establish a system by which it will track in writing, for one academic year, its provision of academic adjustments and auxiliary aids to students with disabilities. The tracking system will include: (a) the dates of individual student's requests for academic adjustments and auxiliary aids and the types of adjustments and aids requested, (b) the dates the college received each student's disability documentation, (c) the dates of approval or disapproval of adjustments or aids, (d) the reasons for any delays in providing adjustments or aids, and (e) the dates of the provision of the adjustments or aids by college personnel.

D. Remedies for Identified Student

With respect to the individual student identified by the complaint allegations as not having received the academic adjustments and auxiliary aids the college approved for her for the fall 2008 semester:

1. By the end of the fall 2009 semester, the college will offer the student the opportunity to retake the Finite Mathematics (MA110A-05) class at no cost to the student and with approved academic adjustments and auxiliary aids. If more than one Finite Mathematics class is offered during the fall 2009 semester, the college will allow the student to select the Finite Mathematics class for which to register. The college will allow the student to receive a final grade for her fall 2008 General Psychology (PY120-05) class by informing the student, through the Accommodative Services Coordinator, about the remaining assignments or tests she needs to complete by the end of the 2008-2009 academic year. The college will provide the identified student with the previously approved academic adjustments and auxiliary aids for any assignments or tests she needs to complete for her General Psychology class.
2. By December 15, 2009, the college will issue final grades to the identified student for her fall 2009 semester Finite Mathematics and fall 2008 semester General Psychology classes, revise the student's transcript to show those grades, remove the fall 2008 Finite Mathematics class from the transcript, and issue the student her new transcript.

E. Remedies for Class of Students

1. By May 31, 2009, the college will send a draft to OCR of a letter to all current or former students with disabilities who were approved to receive academic adjustments or auxiliary aids for the 2008-2009 academic year. The letter will advise such students that, if they were approved to receive academic adjustments or auxiliary aids during the 2008-2009 academic year and did not receive the approved adjustments or aids, the college wishes to take corrective measures, if appropriate; and that such students are invited to confidentially notify the college of the circumstances in which they did not receive the academic adjustments or auxiliary aids they had been approved to receive and how it affected the student's participation in the college's programs and activities. The college's letter will assure these students that no negative repercussions or retaliation will result from identifying themselves. OCR will promptly review and provide comments to the college about the letter and the college will issue the letter to the students by June 15, 2009.
2. By August 7, 2009, the college will review the responses it receives from students regarding provision of academic adjustments and auxiliary aids during the 2008-2009 academic year. The college will determine, for each such student who timely applied to the college for academic adjustments and auxiliary aids, whether the college failed to provide the student an academic adjustment or auxiliary aid that the college had approved for the student and, if so, whether the absence of the academic adjustment or auxiliary aid resulted in the student's being excluded from participation, denied the benefits of, or otherwise being subjected to discrimination on the basis of disability in the college's programs and activities. Evidence of such denial or exclusion may include:
 - (a) students who dropped a class or classes due to the lack of some or all approved academic adjustments or auxiliary aids;
 - (b) students who received incomplete grades for a class or classes due to the lack of some or all approved academic adjustments or auxiliary aids;

- (c) students who received a failing or "D" grade for a class or classes due to the lack of some or all approved academic adjustments or auxiliary aids; and
 - (d) students who incurred actual expenses for some or all of their approved auxiliary aids or services due to the failure of the college to provide such aids or services.
3. By August 14, 2009, the college will determine the corrective measures, as appropriate, to offer to each of the students who responded to the letters issued pursuant to section III.E.1. of this agreement and individually and confidentially notify each of these students of the decision. The corrective measures may include:
- (a) the opportunity to retake the class or classes, at no cost to the student, with approved academic adjustments and auxiliary aids;
 - (b) tuition reimbursement for the class or classes for which the student did not receive the approved academic adjustments and auxiliary aids in full or in part; or
 - (c) reimbursement to students who paid for their own auxiliary aids or services because the college did not provide them.

IV. REPORTING

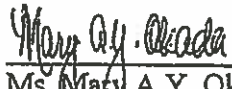
OCR will monitor the college's implementation of its commitments made in this agreement. OCR's monitoring may include interviews of randomly selected students or college personnel and will include a review of reports submitted to OCR as required by this agreement.

- A. By August 31, 2009, the college will provide OCR with a report about any revisions to its policies, procedures, and practices it makes pursuant to section III.A. of this agreement and include a copy of any such revisions. The report will include a detailed description of the process the college underwent to determine whether revisions to its policies, procedures, and practices were necessary; any process used, standards applied, and factors considered in any revisions; and a listing of the individuals involved in making any revisions.

- B. By December 31, 2009, the college will provide OCR with a report about the training it provided pursuant to section III.B.1. of this agreement. The report will include a detailed description of the training; the training agenda; a copy of any visual aids used at the training and materials distributed; the date or dates the training was provided; the length of the training; the qualifications of the individual or individuals who provided the training; a list of the college faculty, staff members, and administrators who were mandated to attend the training; and a list of all college faculty, staff members, and administrators who actually attended the training.
- C. By August 31, 2009, the college will provide OCR with a report about the notices disseminated pursuant to section III.B.2. of this agreement and include a copy of such notices. The report will also include a detailed description of the methods the college used to distribute the notices and the dates of the notice dissemination.
- D. By December 31, 2009, the college will provide a report to OCR regarding actions taken pursuant to section III.D. of this agreement related to the identified student. The report will include a detailed description or a copy of any communications it has with the identified student in complying with section III.D.; dates of any testing and the academic adjustments and auxiliary aids provided to the student for any testing as required by section III.D.1.; the grades achieved by the student on any tests or assignments and for the Finite Mathematics and General Psychology classes; and a copy of the transcript required by section III.D.2. of this agreement.
- E. By December 31, 2009, the college will provide OCR with a report about actions taken pursuant to section III.E. of this agreement related to the class of students. The report will include: a list of students who received the letters required by section III.E.1. and a copy of the letter; a copy of each student's response to the letter; for each student who responded, a copy of the notice to the student of the college's decision; the name and title of the individuals who participated in the decision-making and a description of the process and standards used; and the names and titles of college personnel responsible for ensuring the implementation of the decisions. In addition, the college will provide OCR an explanation for any decision denying corrective measures to any student who responded to the college's letter.


- F. By October 29, 2010, the college will provide OCR a copy of its records maintained pursuant to section III.C. of this agreement.

Signed:



Ms. Mary A.Y. Okada
President
Guam Community College

4-28-09
Date



Gary D. Jackson
Director, Seattle Office
Office for Civil Rights

5-5-09
Date

