

RESOLUTION AGREEMENT

State University of New York Buffalo State College OCR Case No. 02-15-2007

In order to resolve the compliance concerns identified in Case No. 02-15-2007, the State University of New York, Buffalo State College (the College) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that pursuant to 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, it will take the actions set forth below:

Action Item 1:

The College will provide training to relevant personnel regarding their responsibility to respond to complaints of disability discrimination and harassment. At a minimum, the training will be provided to the following College personnel:

- a. By June 15, 2015, and periodically thereafter, the Chief Diversity Officer; the Director of the College's Office of Disability Services; and, Department Deans.
- b. By September 30, 2015, and periodically thereafter, Assistant Deans; Chairs; and, other related administrators.

The training will include instruction regarding the following: (a) the requirements of Section 504 and the ADA, including that discrimination and/or harassment based on disability is prohibited and will not be tolerated; (b) the range of behaviors that constitute discrimination and/or harassment based on disability; (c) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment based on disability; (d) the responsibility of staff to report incidents of possible discrimination and/or harassment and the procedures for doing so; and, (e) where, how and to whom instances of discrimination and/or harassment are to be reported.

Reporting Requirements:

1. By July 15, 2015, the College will provide documentation to OCR demonstrating that training was provided consistent with Action Item 1(a) above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.
2. By October 15, 2015, the College will provide documentation to OCR demonstrating that training was provided consistent with Action Item 1(b) above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a

list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

Action Item 2:

By July 31, 2016, the College will provide documentation to OCR demonstrating that it has responded to any alleged incidents of disability harassment of which it had notice in a prompt and effective manner; with action that was reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

Reporting Requirement: By July 31, 2016, the College will provide a report to OCR regarding any oral and/or written complaints or reports of disability discrimination or harassment made after execution of this Agreement through the end of academic year 2015-2016. The report to OCR will include, at a minimum, (a) a copy of the complaint or a description of any orally reported alleged incident(s) of disability discrimination or harassment; (b) the date(s) of receipt of the written complaint or oral report; (c) a description of the College's findings and response to the incident(s); and, (d) the date(s) that the College provided notice of the outcome of its investigation in writing to the parties.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient 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 the ADA, at 28 C.F.R. § 35.130, which were at issue in this case. The College also 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, and the ADA, at 28 C.F.R. § 35.130), which were at issue in this case. 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.

April 17, 2015
Date

/s/
Katherine S. Conway-Turner, Ph.D.
President
State University of New York
Buffalo State College