

RESOLUTION AGREEMENT

SUNY Binghamton University OCR Case No. 02-15-2331

In order to resolve the compliance issue identified in Case No. 02-15-2331, SUNY Binghamton University (the University) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below 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.

Action Item 1:

By December 1, 2015, the University will offer the complainant in writing the opportunity to retake the XXXXXXXXXXXX XX XXX XXX course (the Course) at no charge; or, a tuition refund for the Course. The University will provide the complainant with a minimum of 30 calendar days to respond to the offer to retake the Course during the spring 2016 semester, or a later semester when the Course is offered; or to obtain a tuition refund for the Course.

Reporting Requirement: By January 15, 2016, the University will provide documentation to OCR demonstrating that it has offered the complainant, in writing, an opportunity to retake the Course at no charge, or to obtain a tuition refund for the Course; and, the complainant's response if any.

Action Item 2:

For the remainder of academic year 2015-2016, and to the extent that the complainant is enrolled at the University during this timeframe, the University will ensure that the complainant receives accessible seating in all of her courses, if required by any applicable Accommodation Plan outlining the complainant's academic adjustments and auxiliary aids, as developed by the University's Services for Students with Disabilities Office.

Reporting Requirement: By July 31, 2016, the University will provide documentation to OCR demonstrating that accessible seating was provided to the complainant in accordance with Action Item 2 above.

Action Item 3:

By March 31, 2016, the University will provide training to all administrators, faculty, and staff at the University responsible for processing requests and/or providing academic adjustments and/or auxiliary aids for students with disabilities, including but not limited to the Services for Students with Disabilities (SSD) Director and staff, and all teaching faculty within the Philosophy Department, including teaching assistants. The training will include a discussion of the University's obligation to provide qualified individuals with disabilities with any academic

adjustments and/or auxiliary aids, in accordance with the regulations implementing Section 504; and the University’s process for reviewing and responding to requests for academic adjustments and/or auxiliary aids. Special emphasis will be given to the requirement that faculty and staff ensure that accessible seating in the University’s lecture halls is reserved for individuals with disabilities; that such individuals should not be deterred from using accessible seating; and, that the accessible seating should not be used for any other purposes by University personnel.

Reporting Requirement: By April 15, 2016, the University will provide documentation to OCR demonstrating that training was provided in accordance with Action Item 3 above; including the name and credentials of the trainer, the date(s) of the training, copies of the training materials distributed, and a list of attendees.

The University 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(a), 104.43 and 104.44, and the ADA, at 28 C.F.R. § 35.130, which were at issue in this case. The University 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 University understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University 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, and the ADA, at 28 C.F.R. § 35.130, which were at issue in this case. The University 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 proceeding to enforce this agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

November 9, 2015

Date

/s/

Donald G. Nieman

Provost

Binghamton University

State University of New York