

RESOLUTION AGREEMENT

Adelphi University OCR Case No. 02-14-2291

In order to resolve the compliance concerns identified in Case No. 02-14-2291, Adelphi 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.

This Agreement resolves the allegations OCR accepted for resolution in the Complaint (OCR Reference No. 02-14-2291) and does not constitute an admission by the University of a violation of Section 504.

Action Item 1:

By October 15, 2014, the University will offer the complainant the opportunity to retake her courses, XXXXX XXXXXXXX XX and XXXXXX XX (the Courses), she took during the XXXXXX XXXX semester at no charge. Complainant will be afforded the opportunity to retake said courses during the spring XXXX semester or a later semester when the classes are offered. For the remainder of the complainant's enrollment at the University, the University will ensure that the complainant receives the approved academic adjustment(s) and/or auxiliary aid(s).

Reporting Requirement:

1. By October 15, 2014, the University will provide OCR with documentation demonstrating that it has offered the complainant an opportunity to retake the Courses, and will provide documentation of the complainant's response, if any.
2. Within 30 days after the end of each semester that the complainant takes courses at the University during academic year 2014-2015, the University will provide written documentation to OCR demonstrating that the complainant received the approved academic adjustment(s) and/or auxiliary aid(s).

Action Item 2:

Unless extended by mutual agreement, by October 31, 2014, the University will revise its policy regarding audio recording of courses as an auxiliary aid, by eliminating the provision limiting recording to circumstances "when appropriate and with instructor's and/or class participant's permission." The revised policy will explain the University's process for reviewing and responding to requests, including making individualized determinations, for academic adjustments and/or auxiliary aids. The revised policy also will clarify that an instructor's and/or students' objections to a student recording the course, as an auxiliary aid, should not be a factor considered in the individualized determination of whether a student is entitled to record a course,

as an auxiliary aid; or ultimately permitted to record a course if recording is an auxiliary aid has been approved. The Office of Disability Support Services (ODSS) will send correspondence to University personnel, including faculty, and administrators who are involved in the approval, provision, and/or delivery of academic adjustments and/or auxiliary aids and services to students with disabilities, notifying them of the revised policy regarding recording and update all of the University's publications that currently include the policy to reflect the revised policy. The University will ensure that all plans for students with disabilities who have been approved to record courses as an auxiliary aid are amended to reflect the aforementioned change in policy.

Reporting Requirement:

1. By October 31, 2014, the University will submit to OCR for review and approval copies of the revised policy, correspondence, and documentation corroborating the actions required in Action Item 2, including a list of recipients and the methods of dissemination.
2. Within 30 days of OCR's approval of the policy, correspondence, and documentation submitted pursuant to Reporting Requirement 1, the University will provide copies of the revised publications that contain the revised policy. The University may use inserts in the publications until they are reprinted or may post the updated policy on the University website if it is not feasible to include inserts in the publications within this timeframe.
3. By October 31, 2014, the University will provide to OCR a copy of the plan for each student with a disability in the XXXXXX XX XXXXXX XXXX who has been approved to audio record courses as an auxiliary aid for academic year 2014-2015.
4. Within 30 days after the end of each semester during academic year 2014-2015, the University will provide written documentation to OCR demonstrating that it has permitted audio recording of courses as an auxiliary aid for each student with a disability in the XXXXXX XX XXXXXX XXXX who has been approved to receive such accommodation.

Action Item 3:

By December 31, 2014, 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 ODSS Director and staff, Counseling and Accommodations Center Director, and School of Social Work Program Director, for the spring 2014 semester. 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 only OSSD and/or other designated University staff with the appropriate expertise and training may review and

make determinations in response to requests for academic adjustments and auxiliary aids; and that this responsibility must not be delegated to individuals, including professors and classmates, who are not authorized to make such determinations.

Reporting Requirement: By December 15, 2014, 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. §§ 104.43 and 104.44, 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. §§ 104.43 and 104.44, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Date

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