

RESOLUTION AGREEMENT State
University of New York College at
Oneonta Case Number 02-14-2385

In order to resolve the allegation in OCR Case Number 02-14-2385, filed against the State University of New York College at Oneonta (the 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 (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.

This Resolution Agreement has been entered into voluntarily by the College and does not constitute an admission by the College that it is not in compliance with Section 504 and the ADA.

Action Item 1

By April 15, 2015, the necessary and appropriate College officials shall commence reviewing and revising the policies and procedures governing the provisions of academic adjustments/auxiliary aids to students with disabilities, to ensure that such policies and procedures are consistent with the requirements of Section 504 and Title II and provide students necessary, appropriate, and available academic adjustments and/or auxiliary aids. In particular, the College will revise its policies and procedures to make clear that students will not be automatically denied academic and/or auxiliary aids and services to do independent practice assignments or other assignments completed outside the classroom. The College will conduct individualized assessments of students' requests for academic adjustments and/or auxiliary aids and services, including as to how they relate to independent practice assignments or other assignments completed outside the classroom. The outcome of such assessments may include a decision to purchase certain auxiliary aids to be available to all students at an on-campus location such as a computer lab.

Reporting Requirement 1: By June 15, 2015, the College will submit to OCR for review and approval the revised policies and procedures referenced in Action Item 1 of this Agreement. The College will also provide OCR with draft copies of all College documents that will be revised in light of the changes to the policies and procedures referenced in Action Item 1.

Reporting Requirement 2: Within 30 days of receiving OCR's approval the College will adopt and publish the revised policies and procedure and immediately begin using the newly revised documents. The College will update all relevant College publications, including student and employee handbooks, and revise the College's website as necessary. Appropriate inserts may be included in existing materials and publications, or in the alternative, the College may use other reasonable methods of notification depending on the circumstances (such as notification through the College's website, electronic mail messages to employees and students, etc.), pending revision and reprinting of such materials and publications. The College also will submit to OCR documentation of its implementation of Action Item 1 of this Agreement.

Action Item 2

By June 30, 2015, the College of SUNY System Administration will develop and deliver a training program, in-person and/or online to all College employees and faculty responsible for receiving, reviewing, responding to, and approving requests for academic adjustments and/or auxiliary aids by students with disabilities including but not limited to, the Director of the Student Disability Services Office; the complainant's spring 2014 professor for the course, XXXXX XXXX XXXX XXXXXX XXXXX (the Course); and the XXXX department chairperson, and the training information will be made available to all faculty. The training program shall discuss in detail the revised policies and procedures referenced in Action Item 1 of this Agreement.

Reporting Requirement: By June 30, 2015, the College will submit to OCR documentation demonstrating that the training referenced in Action Item 2 of this Agreement has been provided. The report will identify the person(s) who provided the training and a description of the person's qualifications; include a copy of any training materials used or disseminated during the training; include a certification that the individuals specified in Action Item 2 completed the training, include a copy of any materials notifying other employees about the training materials and/or a training event.

Action Item 3

Within 5 days of the signing of this resolution agreement, the College will send a letter to the complainant offering to provide the complainant with \$937 to reimburse complainant for the complainant's tuition for taking the Course at another college in summer 2014 and other costs associated with the course.

Reporting Requirement: The College will copy OCR on the letter sent pursuant to Action Item 3.

Action Item 4

By March 31, 2015, the College will remove the complainant's failing grade in the Course for the spring 2014 semester from his official transcript.

Reporting Requirement: By March 31, 2015, the College will provide OCR with a copy of the complainant's transcript, reflecting the change made pursuant to Action Item 4.

OCR agrees to provide required feedback, comments, and approvals in a timely manner.

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. § 104.44, 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 state 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. § 104.44, 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 of 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 a minimum of sixty (60) calendar days to cure the alleged breach.

3/17/2015
Date

/S/
Nancy Kleniowski, Ph.D.
President
State University of New York College at
Oneonta