

## **RESOLUTION AGREEMENT**

### **State University of New York, College at Old Westbury OCR Case No. 02-15-2061**

In order to resolve the compliance concerns identified in OCR Case Number 02-15-2061, the State University of New York, College at Old Westbury (the College) 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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

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 July 31, 2015, the College will offer the complainant, in writing, the option of retaking all courses which the complainant took during the fall 2014 semester, at cost, with the provision of all College-approved academic adjustments and auxiliary aids. The College will offer the complainant the opportunity to retake the course(s) in either the fall 2015 or spring 2016 semesters, so long as those course(s) are offered. The College will allow at least 30 calendar days for the complainant to respond.

#### **Reporting Requirements:**

- (a) By July 31, 2015, the College will provide documentation to OCR demonstrating that it made the offer to the complainant, via certified mail, consistent with Action Item 1.
- (b) By September 10, 2015, the College will provide to OCR a copy of the complainant's response (if applicable) to the offer made consistent with Action Item 1.
- (c) If the complainant elects to retake the course(s), by October 15, 2015, for the fall 2015 semester, or by January 15, 2016, for the spring 2016 semester, the College will provide to OCR a copy of the complainant's class schedule indicating that the complainant has reenrolled in the course(s).
- (d) If the complainant elects to retake the course(s) or otherwise re-enroll at the College during the fall 2015 or spring 2016 semesters, by January 15, 2016 (for the fall 2015 semester) or June 15, 2016 (for the spring 2016 semester), the College will provide written documentation to OCR demonstrating that the College provided to the complainant all College-approved auxiliary aid(s) and service(s).

**Action Item 2:**

By November 30, 2015, the College or the State University of New York (SUNY) will provide a training program, in-person and/or online, to all College staff, faculty and administrators responsible for the approval and arrangement of academic adjustments and/or auxiliary aids and services to students with disabilities, regarding the College's obligations to timely provide, upon receipt of timely notice, students with disabilities with approved academic adjustments and/or auxiliary aids and services.

**Reporting Requirement:** By December 30, 2015, the College will submit to OCR documentation demonstrating that the training referenced in Action Item 2 was provided. The documentation will identify the person(s) who provided the training and include a description of the person's qualifications; indicate the date(s) of the training(s); include a copy of any training materials used or disseminated during the training; and include a certification that the individuals specified in Action Item 2 completed the training.

**Action Item 3:**

By November 30, 2015, the College or SUNY will provide a training program, in person and/or online, to all staff, faculty and administrators who are directly responsible for processing, investigating and/or resolving complaints of disability discrimination, and/or who otherwise coordinate the College's compliance with Section 504/ADA, including the College's Section 504 Coordinator(s). The training will cover the College's OSSD grievance procedures for complaints of discrimination on the basis of disability, and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Section 504/ADA. The training will include information concerning what constitutes disability discrimination, and the College's responsibilities under Section 504/ADA to address allegations of inappropriate behaviors based on Section 504/ADA. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Section 504/ADA investigations. The College will distribute copies of OSSD's grievance procedures to all attendees.

**Reporting Requirement:** By December 30, 2015, the College will submit to OCR documentation demonstrating that the training referenced in Action Item 3 was provided. The report will identify the person(s) who provided the training and include a description of the person's qualifications; indicate the date(s) of the training(s); include a copy of any training materials used or disseminated during the training; and include a certification that the individuals specified in Action Item 3 completed the training.

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. §§ 104.43 and 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 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. §§ 104.43 and 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 sixty (60) calendar days to cure the alleged breach.

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Date

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William Kimmins  
Assistant to the President for Administration  
State University of New York, College at Old Westbury