

RESOLUTION AGREEMENT

State University of New York, College at Cortland Case Nos. 02-17-2071 and 02-17-2164

In order to resolve Case Nos. 02-17-2071 and 02-17-2164, the State University of New York, College at Cortland (the College) assures the U.S. Department of Education, 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: Policies and Procedures

By November 1, 2017, or within thirty (30) days of the OCR approval referenced in Paragraph (b) below, the College will adopt and publish policies and procedures for the provision of housing accommodations that ensure that students with disabilities who are approved for wheelchair accessible single rooms with wheelchair accessible private bathrooms and/or air conditioned rooms as a means of accommodating their disability are not charged a higher residence hall room rate solely because of the need for the accommodation.

Reporting Requirements:

- a) By October 1, 2017, the College will provide to OCR, for OCR's review and approval, drafts of policies and procedures consistent with Action Item 1 above.
- b) Within thirty (30) days of the College's receipt of OCR's approval of the policies and procedures, the College will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved policies and procedures; updated its printed publications (inserts may be used pending reprinting of publications) and on-line publications with the newly adopted policies and procedures; and, electronically disseminated the newly adopted policies and procedures to students and employees. This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the newly adopted policies and procedures; (ii) evidence of the electronic dissemination of the policies and procedures to students and employees; and, (iii) copies of relevant pages, or if not yet finalized copies of inserts, for printed publications. If inserts were used for any publications, then by December 1, 2017, the College will provide to OCR copies of the relevant pages of printed versions of all publications disseminated to students and employees containing the newly adopted policies and procedures. Dissemination may occur by the methods usually employed by the College for distributing College policies and procedures, including posting on the College's website.
- c) By June 1, 2018, the College will provide to OCR a list of all students who were approved to receive a wheelchair accessible single room with a wheelchair accessible

private bathroom and/or an air conditioned room as an accommodation for a disability during academic year 2017-2018. For each such student, the College will provide to OCR: (i) the housing accommodation(s) the student requested; (ii) the housing accommodation(s) for which the student was approved; (iii) the housing cost incurred by the student; and, (iv) an explanation for the housing cost incurred by the student. If, upon review, OCR determines that any students should be provided reimbursement, OCR will so notify the College, and within thirty (30) days of the College's receipt of OCR's notification, the College will submit to OCR documentation demonstrating reimbursement of the proper amount to all such students; or, provide documentation, for OCR's review and approval, supporting that reimbursement was not appropriate.

Action Item 2: Training

By April 1, 2018, the College will provide in-person or online training to any College officials and administrators who are involved in the process of evaluating requests for, making decisions about, and billing for, approved housing accommodations. The College's training will cover the College's newly adopted policies and procedures developed pursuant to Action Item 1, and the College's obligations to provide housing accommodations in accordance with the requirements of the regulations implementing Section 504 and the ADA. The training may be provided by College personnel, so long as the staff member(s) are properly qualified to provide such training.

Reporting Requirement: By May 1, 2018, the College will submit to OCR documentation demonstrating that the training described in Action Item 2 was provided. The report will, at a minimum, 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 materials used or disseminated during the training; and, include the names and titles of the staff in attendance.

Action Item 3: Individual Remedies

By October 1, 2017, the College will assess the rates charged to students with disabilities who received single wheelchair accessible rooms with private wheelchair accessible bathrooms during academic years 2015-2016 and 2016-2017, and students who received air conditioned rooms in Dragon Hall and Glass Tower during academic year 2016-2017, and will submit to OCR proposed recommendations for reimbursements, if any, to students who were charged the full rate for the room in which they were placed as an accommodation for their disability. The College will explain its recommendations for each reimbursement or decision not to provide a reimbursement.

Reporting Requirements:

- a) During the investigative process, the College provided OCR with a list of all students who were approved to receive a wheelchair accessible single room with a wheelchair accessible private bathroom, and/or an air conditioned room, as an accommodation for a disability during academic years 2015-2016 and 2016-2017. By October 1,

2017, for each such student, the College will provide to OCR: (i) the housing cost incurred by the student; (ii) the College's recommendation for reimbursement to the student, if any; and, (iii) an explanation for the amount of the proposed reimbursement, if any, or decision not to provide a reimbursement, for OCR's review and approval,

- b) Within thirty (30) days of OCR's approval of the decisions made consistent with Action Item 3(a) above, the College will submit to OCR documentation demonstrating that it provided reimbursements to all students approved for reimbursement, with the amount of the reimbursement indicated.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), 104.43(a) and 104.45(a), and the regulation implementing the ADA, at 28 C.F.R. §§ 35.130(a),(b)(3)(i) and (7)(i) and (f), 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 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 regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), 104.43(a) and 104.45(a), and the regulation implementing the ADA, at 28 C.F.R. §§ 35.130(a),(b)(3)(i) and (7)(i) and (f), which were at issue in this case. The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

Date: 8/31/2017

Signed: _____/s/_____

Erik J. Bitterbaum, Ph.D.
President
State University of New York,
College at Cortland