

## RESOLUTION AGREEMENT

### City University of New York (CUNY) System Case Number 02-17-2197

In order to resolve Case No. 02-17-2197, the CUNY System 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.

This Agreement supersedes the Agreement that the CUNY System entered into on December 5, 2017.

#### **Action Items:**

1. Current Online Content and Functionality. OCR acknowledges that the CUNY System has satisfactorily developed a notice to persons with disabilities regarding how to request that the CUNY System provide access to online content or functionality that is currently inaccessible; and, has prominently posted this notice on its home page and throughout its website. The CUNY System agrees to maintain such notice prominently on its website. By December 31, 2020, or sooner, if feasible, the CUNY System agrees that it will take all actions necessary to ensure that individuals with disabilities have an equal opportunity to participate in the CUNY System's programs and activities that are offered through CUNY System's website. To meet this commitment, the CUNY System will develop a strategy for identifying and making accessible any content and functionality that is currently inaccessible for individuals with disabilities; and, develop a process to ensure that, upon request, inaccessible content and functionality will be made accessible<sup>1</sup> in an expedient manner.
2. New Online Content and Functionality. OCR acknowledges that the CUNY System has satisfactorily established a plan to ensure that all new online content and functionality developed, procured, or used after May 11, 2018, will be fully accessible to individuals with disabilities. OCR further acknowledges that the plan includes staff trainings to ensure full implementation of the plan, and that the CUNY System has begun conducting staff trainings. The CUNY System agrees to continue providing staff trainings as needed to ensure ongoing implementation of the plan.
3. Undue Burden and Fundamental Alteration. This Agreement does not require the CUNY System to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

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<sup>1</sup> "Accessible," for purposes of this Agreement, means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, within the same timeframes, and with substantially equivalent ease of use. If content and functionality cannot reasonably be made accessible through the website, the CUNY System must provide equally effective alternate access in an expedient manner.

In those circumstances where the CUNY System can demonstrate that compliance would result in such an alteration or burden, the CUNY System will take other action that would not result in such an alteration or burden, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the CUNY System.

4. **Technical Assistance.** OCR will make itself available to provide technical assistance to the CUNY System during the CUNY System’s implementation of this Agreement.

**Reporting Requirement:** By January 15, 2021, or sooner, if feasible, the CUNY System will submit a report to OCR demonstrating that it has fully satisfied the terms of this Agreement. The report will also describe on-going efforts to maintain accessibility of the content and functionality of the CUNY System’s website.

The CUNY System understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirement of this Agreement. Further, the CUNY System understands that during OCR’s monitoring of this Agreement, if necessary, OCR may visit the CUNY System, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the CUNY System has fulfilled the terms of this Agreement. Upon the CUNY System’s satisfaction of the commitments made under this Agreement, OCR will close the case.

The CUNY System 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 proceedings to enforce the Agreement, OCR will give the CUNY System written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the CUNY System representative below.

/s/

October 19, 2018

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Dr. Vita C. Rabinowitz, Interim Chancellor  
City University of New York  
(or designee)

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Date