

RESOLUTION AGREEMENT

State University of New York at Buffalo
Case Number 02-17-2422

In order to resolve Case No. 02-17-2422, the State University of New York at Buffalo (the University) 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 University entered into on November 13, 2017.

Action Items:

1. Current Online Content and Functionality. OCR acknowledges that the University has satisfactorily developed a notice to persons with disabilities regarding how to request that the University provide access to online content or functionality that is currently inaccessible; and, prominently posted this notice on its home page and throughout its website. The University agrees to maintain such notice prominently on its website. By December 16, 2019, or sooner, if feasible, the University agrees that it will take all actions necessary to ensure that individuals with disabilities have an equal opportunity to participate in the University's programs and activities that are offered through the University's website. To meet this commitment, the University 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 accessible¹ in an expedient manner.
2. New Online Content and Functionality. OCR acknowledges that the University has satisfactorily established a plan to ensure that all new online content and functionality developed, procured, or used after May 10, 2018, will be fully accessible to individuals with disabilities. OCR further acknowledges that the University has begun a series of staff trainings to ensure full implementation of the plan. The University 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 University 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. In those circumstances where the University can demonstrate that compliance would result in

¹ "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 University must provide equally effective alternate access in an expedient manner.

such an alteration or burden, the University 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 University.

4. Technical Assistance. OCR will make itself available to provide technical assistance to the University during the University's implementation of this Agreement.

Reporting Requirement: By December 30, 2019, or sooner, if feasible, the University 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 University's website.

The University 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 University understands that during OCR's 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. Upon the University's satisfaction of the commitments made under this Agreement, OCR will close the 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 proceedings to enforce the Agreement, OCR will give the University 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 University representative below.

/s/

September 20, 2018

Laura E. Hubbard
Vice President for Finance and Administration
State University of New York at Buffalo

Date