

Resolution Agreement

State University of New York at Canton Case No. 02-18-2057

In order to resolve Case No. 02-18-2057, the State University of New York at Canton (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, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Policies and Procedures

By June 30, 2018, the University will revise its existing policy statement and procedures regarding the provision of housing accommodations (or adopt new ones) to ensure that it is clear that students with disabilities who request housing accommodations that can only be provided in Kennedy Hall are not charged a higher residence hall room rate solely because of the need to have the accommodation provided in Kennedy Hall.

Reporting Requirements:

- a. By June 1, 2018, the University will provide to OCR, for OCR's review and approval, drafts of the revised or newly created policy statements and procedures consistent with Action Item 1 above.
- b. Within fifteen (15) days of the University's receipt of OCR's approval of the revised or newly created policy statements and procedures, the University will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved policy statements and procedures; updated its printed publications (inserts may be used pending reprinting of publications) and on-line publications with the newly adopted policy statements and procedures; and, electronically disseminated the newly adopted policy statements and procedures to students. This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the newly adopted policy statements and procedures; (ii) evidence of the electronic dissemination of the policy statements and procedures to students; 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 September 1, 2018, the University will provide to OCR copies of the relevant pages of printed versions of all publications disseminated to students and employees containing the newly adopted policy statements and procedures. Dissemination may occur by the methods usually employed by the University for distributing University policies and procedures, including posting on the University's website.

Action Item 2: Recordkeeping

By July 15, 2018, the University will adopt and implement a policy and/or procedure to ensure accurate recordkeeping for each student with a disability who seeks housing accommodations, which includes, at a minimum: (i) the housing accommodation(s) the student requested; (ii) the housing accommodation(s) for which the student was approved; (iii) the residence hall within which the housing approved accommodation(s) could be provided; (iv) the residence hall within which the student was ultimately placed and why; and, (v) the housing cost per semester incurred by the student.

Reporting Requirements:

- a. By July 31, 2018, the University will provide documentation to OCR to demonstrate that it has adopted and begun implementation of a recordkeeping policy and/or procedure consistent with Action Item 2 above; and that the policy and/or procedure has been disseminated to all relevant University officials and administrators who are involved in the process of evaluating requests for, making decisions about, and billing for, approved housing accommodations due to a disability.
- b. By June 1, 2019, the University will provide to OCR a list of all students who were approved to receive housing accommodations during academic year 2018-2019. For each such student, the University 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 residence hall within which the housing approved accommodation(s) could be provided; (iv) the residence hall within which the student was ultimately placed and why; and, (v) the housing cost per semester incurred by the student. If, upon review, OCR determines that any students should be provided reimbursement, OCR will so notify the University, and within thirty (30) days of the University's receipt of OCR's notification, the University 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 3: Training

By August 15, 2018, the University will provide training to any University officials and administrators who are involved in the process of evaluating requests for, making decisions about, and billing for, housing accommodations due to a disability. The University's training will cover the University's newly adopted policies and procedures developed pursuant to Action Items 1 and 2, and the University's obligations to provide housing accommodations in accordance with the requirements of the regulation implementing Section 504 and the ADA.

Reporting Requirement: By August 31, 2018, the University will submit to OCR documentation demonstrating that the training described in Action Item 3 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 4: Individual Remedies

By June 30, 2018, the University will assess the rates charged to the three students with disabilities identified by OCR who received medical single rooms in Kennedy Hall as housing accommodations during academic years 2016-2017 and 2017-2018, and will submit to OCR proposed recommendations for reimbursements, if any, to these students who were charged the full rate for the medical single room in Kennedy Hall in which they were placed as an accommodation for their disability. The University will explain its recommendations for each reimbursement or decision not to provide a reimbursement.

Reporting Requirements:

- a) By June 30, 2018, for each of the three students identified by OCR, the University will provide to OCR: (i) the housing cost incurred per semester by the student; (ii) the University'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 4 above, the University will submit to OCR documentation demonstrating that it provided reimbursements to any students approved for reimbursement, with the amount of the reimbursement indicated.

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's representative below.

Date: 5/21/2018

Signed: _____/s/_____

Zvi Szafran, Ph.D.
President
State University of New York at Canton