

RESOLUTION AGREEMENT

State University of New York, College at Cortland Case No. 02-18-2270

In order to resolve Case No. 02-18-2270, the State University of New York (SUNY), 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: Appeal/Review of *Persona Non Grata* (PNG) Order

By November 30, 2018, the College will extend to the complainant a written offer to appeal the PNG order issued by the College on XXXXXXXX XX, XXXX. The written offer to the complainant will provide the complainant with a minimum of 30 calendar days to respond and provide information or identify any witnesses relevant to her appeal. The College will conduct a detailed review of all information provided by the complainant, and interview any witnesses, as appropriate; and, determine whether the evidence presented supports a finding that the PNG order should continue to be in effect, be rescinded, or be modified. The outcome of the appeal will be communicated to the complainant in writing. If the College determines that the complainant must continue to be subject to a PNG order, the College shall include in its written notification to the complainant specific information regarding her rights, and information about how she may access necessary academic services and supports while she is a registered student.

Reporting Requirements:

- a) By January 15, 2019, the College will provide to OCR a copy of the written offer made to the complainant, as well as the complainant's response, if any.
- b) By February 15, 2019, the College will submit copies of the information considered in the appeal of the PNG order; a report summarizing the College's findings and outcome of the appeal; and, proof that written notice of the outcome was provided to the complainant.

The College understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the College understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the College's satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the College 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 College's representative below.

11/26/2018

Date

/s/

Erik J. Bitterbaum, Ph.D.

President

State University of New York, College at Cortland