

**VOLUNTARY RESOLUTION AGREEMENT**  
**State University of New York at New Paltz**  
**OCR Case Number 02-23-2039**

In order to resolve OCR Case No. 02-23-2039, the State University of New York at New Paltz (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 regulations at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35.

**Action Item 1: Individual Remedies for the Student**

- A. By May 31, 2023, the University will offer the Student an opportunity in writing to request and provide additional information in support of any individual remedies that the Student believes are appropriate relating to the University's (1) provision of Glean notetaking software and (2) failure to properly consider his request for extended time over multiple days for essay exams. The University will consider the Student's requested remedies and any information the Student provides in support of his request, review any records in the University's possession relevant to the Student's requested remedies, and determine whether to grant the Student's request for remedies in whole or in part or take any other action with to respect to the Student. The University will timely notify the Student in writing of any determination the University makes, including the rationale for its determination.
  
- B. Prior to the start of the next semester in which the Student is enrolled, the University will meet with the Student to engage in the interactive process regarding the Student's request for the academic adjustments and/or auxiliary aid and services of written class notes and extended time over multiple days for essay exams. The University will consider (a) the Student's request for extended time over multiple days for essay exams and (b) whether the Student requires an alternative to Glean notetaking software to provide the Student with effective academic adjustments and/or auxiliary aids or services. The University may request additional medical documentation if necessary to make its determinations. The University will document the alternatives considered, and the documentation and information it relies upon in making its final determinations. The University will timely notify the Student in writing of any approved academic adjustments and auxiliary aids and services, any requests that the University has denied, the reason(s) for the denial(s), and information on how to appeal any denial of academic adjustments, if applicable.

**Reporting Requirements:**

- 1. By June 30, 2023, the University will provide a copy of the written invitation to the Student, all documentation memorializing the University's determination, including any requests and documentation the Student provided to the University, and any additional documentation that the University relied upon in making its determination pursuant to Action Item 1.A. above.

2. Within 30 days of meeting with the Student as required by Action Item 1.B. above, the University will provide a report detailing the interactive process, the documents it requested and reviewed, and the rationale for its final determination regarding the Student's approved academic adjustments and/or auxiliary aids and services.

### **Action Item 2: University-wide Remedies**

- A. By June 30, 2023, the University will review and, if necessary, revise its procedures for providing class notes/notetaking services as an academic adjustment and/or auxiliary aid or service to students with disabilities to ensure that its procedures include the consideration of effective alternatives when a student reports that the notetaking services provided are not effective.
- B. By June 30, 2023, the University will notify by email students registered with the University's Disability Resource Center (DRC) that requests for notetaking services will be reviewed on a case-by-case basis, with consideration of individualized circumstances, such as the nature of a student's disability and the nature of the course(s) at issue, and clarify that notetaking services must be effective, which includes a requirement that they provide an equal opportunity to participate in the University's programs.

### **Reporting Requirements:**

1. By July 31, 2023, the University will provide documentation to OCR that it has completed the review required by Action Item 2.A. above and provide copies of its revised policies and/or procedures, if appropriate.
2. By July 31, 2023, the University will provide to OCR a copy of the notification it sent to students registered with the DRC and the list of recipients, pursuant to Action Item 2.B. above.

### **Action Item 3: Individual Remedies for Other Students**

By September 1, 2023, the University will identify each student with a disability whom the University approved for class notes/notetaking services as a necessary academic adjustment and/or auxiliary aid or service for academic year 2022-2023. For each student identified, the University will invite the student to re-engage in the interactive process to determine whether the student requires changes to their approved academic adjustments and/or auxiliary aids. The University will also offer the student an opportunity to request any individual remedies that the student believes are appropriate relating to the University's use of notetaking software during academic year 2022-2023, and to provide any additional information in support of the student's requested remedies. The University will meet with any student who accepts the University's invitation and consider the student's requested remedies and any information the student provides in support of his/her request, review any records in the University's possession relevant to the University's provision of note taking services to the student and the student's requested remedies, and determine whether to grant the student's request for remedies in whole or in part or take any other action with

to respect to the student. The University will timely notify the student in writing of any determination the University makes, including the rationale for the determination.

**Reporting Requirement:**

By September 30, 2023, the University will provide documentation to OCR demonstrating its compliance with Action Item 3 above, including: a list of students the University identified, a copy of the written notice to such students, and all documentation memorializing the University's determination, including any requests and documentation the student provided to the University, and any additional documentation that the University relied upon in making its determination pursuant to Action Item 3 above.

**Action Item 4: Training**

By October 1, 2023, the University will train University administrators, faculty, Disability Resource Center staff, Assistive Technology staff, and the University's Section 504 Coordinator regarding the University's obligation to make individualized determinations regarding requests for academic adjustments and/or auxiliary aids and services, as required by the regulations implementing Section 504; the University's procedures for reviewing and the interactive process for responding to inquiries and requests for academic adjustments and/or auxiliary aids and services; and the University's process for ensuring that approved academic adjustments and/or auxiliary aids and services are provided in a timely manner.

**Reporting Requirement:**

By October 31, 2023, the University will submit documentation to OCR demonstrating that the University provided training in accordance with Action Item 4. The documentation will include the name(s) and credentials of the individual(s) who conducted the training; the date(s) and time(s) of the training; the agenda and/or a summary of the material covered; copies of all training materials distributed; and the names and position(s)/title(s) of attendees.

**OCR Monitoring**

The University understands that by signing this resolution agreement (Agreement), it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that during the 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.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulations, at 34 C.F.R. Part 104, and Title II and its implementing regulations at 28 C.F.R. Part 35, which were at issue in this case.

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will provide 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.

May 11, 2023  
Date

/s/  
Authorized Representative  
State University of New York at New Paltz