

VOLUNTARY RESOLUTION AGREEMENT

**State University of New York
College of Environmental Science and Forestry
OCR Case No. 02-16-2044**

**Syracuse University
OCR Case No. 02-16-2223**

In order to resolve Case Nos. 02-16-2044 and 02-16-2223, the State University of New York (SUNY) College of Environmental Science and Forestry (the College) and Syracuse University (the University) assure the U.S. Department of Education, New York Office for Civil Rights (OCR), that they 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 does not constitute an admission of liability on the part of the College or University that they have violated any regulations enforced by OCR, and does not constitute a determination by OCR of any violation of any regulations enforced by OCR.

The University and the College acknowledge that pursuant to a contractual agreement between the University and the College, the University determines the eligibility of students at the College for academic adjustments and/or auxiliary aids; and documents the academic adjustments and/or auxiliary aids that should be implemented by the College. The University and the College acknowledge that both entities are responsible for ensuring that approved academic adjustments and/or auxiliary aids are provided to students at the College.

Action Item 1: Policies and Procedures

By July 1, 2016, the College and University will revise its policies and procedures governing the provision of note-taking as an auxiliary aid/service to students with disabilities, to ensure that such policies and procedures are consistent with the requirements of Section 504 and Title II, and provide students reasonable, timely and appropriate note-taking services. The revisions will eliminate requirements, if any: (1) that the provision of note-taking assistance deemed necessary as an auxiliary aid/service is contingent upon the availability of peer note-takers or at the discretion of faculty to provide notes; (2) that a student must visit the University's Office of Disability Services (ODS) and request a note-taker in a course following receipt of prior approval for note-taking as an auxiliary aid/service; and (3) that a student must take his/her own notes in each class.

The revised policy will explain the University's process for reviewing and responding to requests for note-taking as an auxiliary aid/service, including making individualized determinations. The University will ensure that all accommodation plans for students with disabilities who have been approved for note-taking assistance as an auxiliary aid/service are amended to reflect the aforementioned changes in the University and College's policies and procedures.

Reporting Requirements:

- (a) By July 15, 2016, the University and College will submit to OCR for review and approval the revised policies and procedures referenced in Action Item 1.
- (b) Within 30 days of OCR's approval of the revised policies and procedures, the University and College will provide documentation to OCR demonstrating that the entities have adopted and published the revised policies and procedures; updated all relevant publications, including student and employee handbooks, if applicable; and revised the University and College's websites as necessary. Appropriate inserts may be included in existing materials and publications pending revision and reprinting of such materials and publications, if applicable.
- (c) Within 30 days of OCR's approval of the revised policies and procedures, the University and College will provide to OCR draft copies of all University and College forms or other information that were revised consistent with the revisions to the policies and procedures referenced in Action Item 1.
- (d) Within 60 days of OCR's approval of the revised policies and procedures, the University's ODS will send correspondence to University and College personnel notifying them of the revised policy; including faculty and administrators who are involved in the approval, provision, and/or delivery of academic adjustments and/or auxiliary aids and services to students with disabilities.

Action Item 2: Training

By December 16, 2016, the University and the College will provide training to University and College employees directly responsible for receiving, reviewing, responding to, and approving requests for academic adjustments and/or auxiliary aids made by students with disabilities, including but not limited to the Director and staff of the University's ODS. The training will include a discussion of the University's and College's obligation to provide qualified individuals with disabilities with academic adjustments and/or auxiliary aids, in accordance with the regulations implementing Section 504 and Title II; and the University's process for reviewing and responding to requests for academic adjustments and/or auxiliary aids. The training program shall highlight the revised policies and procedures referenced in Action Item 1 of this Agreement. The University and College will provide training to the Director and staff of the University's ODS as soon as practicable upon adoption of the revised policies and procedures referenced in Action Item 1 of this Agreement, and no later than September 9, 2016. The University and College will provide training to other employees directly responsible for receiving, reviewing, responding to, and approving requests for academic adjustments and/or auxiliary aids made by students with disabilities on a rolling basis, and as close in time as practicable to the start of the fall 2016 semester, but no later than December 16, 2016.

Reporting Requirement: By February 1, 2017, the College and the University will provide documentation to OCR demonstrating that training was provided in accordance

with Action Item 2 above; including the name and credentials of the trainer, the date(s) of the training, copies of the training materials distributed, and a list of attendees.

Action Item 3: Individual Relief to the Complainant

By June 30, 2016, the College will:

- Offer the complainant, in writing, the option to retake, at no charge, the following courses, once: XXXXX XXX & XXX; XXXXX XXXXXX; XXXXXXX XXXXXXX XXX XXX; XXXXXXX XXX XXX XXXXXXX (in which she was enrolled for the spring 2015 semester) and XXXX XXXXXX (in which she was enrolled for the fall 2015 semester). The College will also offer the complainant, in writing, the option to make up missed work in the following courses from which the complainant never formally withdrew: XXX XXX XXXXXXXX XX XXXX; XXX XXX XXXXXXXXXXXX XX XXXXXXXX;XXX XXX XXXXXXX.
- The College will provide a minimum of 30 days for the complainant to respond to the offers. If the complainant chooses to retake a course, the College will afford the complainant the opportunity to retake the course during academic year 2016-2017, or if not offered during academic year 2016-2017, the next academic year in which it is offered. The University and the College will ensure that the complainant receives her approved academic adjustment(s) and/or auxiliary aid(s) when re-taking any course. If the complainant chooses to make-up missed work in a course, the College will offer the complainant the minimum of a semester in which to make-up the work, and provide the complainant with a grade for each course that she elects to make-up based on the completed work in the course.
- For the remainder of the complainant's enrollment at the College, the College and the University will ensure that the complainant receives her approved academic adjustment(s) and/or auxiliary aid(s).

Reporting Requirements:

- (a) By August 31, 2016 the University and College will provide documentation to OCR demonstrating that it has offered the complainant an opportunity to retake or make-up the work in the courses listed in Action Item 3, consistent with Action Item 3; and, a copy of the complainant's response, if any.
- (b) Within 30 days after the end of each semester that the complainant re-takes the courses listed in Action Item 3 at the College during academic years 2016-2017 and 2017-2018, and within 30 days of the complainant completing make-up work in any course as provided pursuant to Action Item 3, the University and the College will provide documentation to OCR demonstrating that the complainant received her approved academic adjustment(s) and/or auxiliary aid(s) and that her grades for the courses were revised, if at all, appropriately.

The University and the College understand that OCR will not close the monitoring of this agreement until OCR determines that the University and the College have fulfilled the terms of this agreement and are in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.44; and the ADA, at 28 C.F.R. § 35.130, which were at issue in this case. The College and the University also understand that by signing this agreement, they agree to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the College and the University understand that during the monitoring of this agreement, if necessary, OCR may visit the College and the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College and the University have fulfilled the terms of this agreement and are in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.44; and the ADA, at 28 C.F.R. § 35.130, which were at issue in this case. The College and the University understand and acknowledge 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 this Agreement, OCR shall give the College and the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

June 2, 2016

/s/

Date

By: Interim Provost and
Executive Vice President Valarie A. Luzadis
State University of New York
College of Environmental Science and Forestry

June 2, 2016

/s/

Date

By: Deputy General Counsel Gabriel Nugent
Syracuse University