

## **Policy 7.10 Effecting Reasonable Accommodations and Academic Adjustments Procedures Relating to Accommodations and Accessibility for Students**

The City University of New York (“CUNY”) is committed to providing reasonable accommodations and academic adjustments that allow qualified individuals with disabilities the opportunity to participate in programs and activities of the University. This document sets forth the policies and procedures relating to requests from students with disabilities under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and various provisions of New York state law.

### **I. Definitions**

- A. ADA: The Americans with Disabilities Act (“ADA”) guarantees individuals with disabilities access to employment, public accommodations, transportation, public services, and telecommunications and provides such individuals with civil rights protections. Title II of the ADA, which applies to public entities such as CUNY, prohibits discrimination on the basis of a disability in all services, programs, and activities provided to the public by state and local governments.
  
- B. Section 504: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities in federally funded programs and activities.
  
- C. Disability: Any physical, medical, mental or psychological impairment, or a history or record of such impairment, that constitutes a disability under applicable federal law, New York State Human Rights Law Section 292(21), and New York City Human Rights Law Section 8-102.
  
- D. Qualified Individual with a Disability: A qualified individual with a disability is a student who meets the academic and technical standards required for admission or participation in the chosen program with or without a reasonable accommodation or academic adjustment.
  
- E. Academic Adjustments: Section 504 of the Rehabilitation Act of 1973 (“Section 504”) requires CUNY to provide academic adjustments to qualified students with

disabilities by (a) modifying academic requirements unless such requirements are essential to the instruction being pursued or to any directly related licensing requirement; (b) ensuring that course examinations for students with disabilities reflect their achievement in the course and not their disabilities; (c) taking steps to ensure that a qualified student is not excluded from participation or discriminated against because of the absence of educational auxiliary aids; and (d) ensuring that no rules have the effect of limiting the participation of students with disabilities in any educational program or activity.

F. 504/ ADA Coordinator: Each College or unit at CUNY, including the University's Central Office (the "Central Office"), has a 504/ADA Coordinator whose contact information is available on the College or University website. The 504/ADA Coordinator is responsible for ensuring that disability accommodation requests from students are processed in accordance with CUNY procedures, addressing appeals of accommodations/academic adjustment decisions through mediation or investigation, as necessary, monitoring the CUNY College or unit for 504/ADA compliance, collecting data, and providing information and guidance.

G. Accessibility or Disability Services Office (DSO):

Each CUNY college or unit has an Accessibility or Disability Services Office (DSO) with a director or a campus designee who coordinates the provision of reasonable accommodations and support services for students with disabilities. Students' needs for reasonable accommodations and support services are verified by these offices after engaging in the interactive process.

H. Interactive Process/Cooperative Dialogue: The interactive process is when a decision-maker at the campus works with the student to identify existing barriers to the student's access to academic and non-academic programs and activities at the campus with the intention of finding an academic adjustment or reasonable accommodation to address those barriers.

I. Reasonable Accommodation: For qualifying students, reasonable accommodations are adjustments to policy, practice, and programs that provide equal access to CUNY's academic and non-academic programs and activities

regardless of disability status. Reasonable accommodations are addressed on a case-by-case basis.

- J. NYS IT Accessibility Policy: This New York State policy identifies the minimum accessibility requirements to ensure that Information and Communication Technology (“ICT”) and certain websites developed, procured, maintained, or used by State Entities are accessible to people with disabilities. [nys-p08-005-accessibility-of-information-communication-technology.pdf](#)
- K. Undue Hardship: An undue hardship is an action that would require significant difficulty or expense when considered in light of a number of factors, including the nature and cost of the accommodation in relation to the size, resources, nature and structure of the institution’s operation, or an action that would fundamentally alter policy and procedures, the nature of a job function, and/or the fundamental nature of the academic program. An accommodation need not be granted where it would impose an undue hardship on the College or the University. If a particular accommodation imposes an undue hardship, the College or unit should consider whether an alternative accommodation is available that would not impose an undue hardship.

## **II. Reasonable Accommodations and Academic Adjustments for Students**

Reasonable accommodations and academic adjustments may include, but are not limited to, providing the student with assistive technology or other auxiliary aides, extra time for tests or assignments, accessible classrooms and furnishings, class notes, or permission for a student’s personal aide to be in the classroom. The student with disabilities must be consulted during the interactive process to identify the appropriate accommodation that meets their needs. Consultation should begin as soon as practicable in advance of the commencement of a course or need for accommodation.

Faculty, staff, and student are vital partners in the accommodations process and shall collaborate with the Disability Services Office (DSO) on their campus to facilitate the provision of reasonable accommodation and ensure equal access for all students. Faculty and staff members will receive notification of approved accommodations for their students. When questions arise, including those regarding the appropriateness of an accommodation with respect to a specific course, faculty and staff shall contact the DSO, not the student in question, for further guidance.

### **A. Qualified Learning Assistants (QLAs)**

When qualified learning assistants (QLAs) (e.g., notetakers, scribes, etc.) are identified as necessary pursuant to the reasonable accommodations process, the individual hired or engaged must have the appropriate skills to meet the access and academic needs of the relevant student with disabilities. In some cases, QLAs with heightened skill sets will be needed, and an escalation in compensation may be required to attract suitable candidates.

Job listings that identify the requisite skills and training for a QLA shall be posted within five business days of the relevant request for reasonable accommodation. All QLAs shall be identified as soon as practicable, but by no later than the first day of the course or within two weeks after a request is made, whichever is later. The relevant student shall be consulted in the selection process to the greatest extent practicable.

The University Office of Student Affairs shall establish and publish annually a framework for identifying and escalating compensation for QLAs to ensure payments remain competitive and are sufficient to draw individuals with the necessary skills. Compensation may range from letters of recommendation, certificates of recognition for service, stipends and hourly wages based on requirements and expertise.

#### **B. Accessible Course Material and Instructional Technology**

Course materials and instructional technology must be made accessible to qualified individuals with disabilities enrolled at CUNY. Course materials may include, but are not limited to, documents, books, videos, and recordings. Instructional technology used during a course, including third-party and online learning products, platforms, and applications, must also meet accessibility requirements as outlined under NYS IT Accessibility Policy and other state and federal law. All course materials are expected to be available through the University's Learning Management System wherever practicable.

When necessary, the DSO Director or their designee should contact the relevant instructor, Department Chair, or Dean to determine how materials are used within a specified course. If no fully accessible version of course material is practicably available, the Director shall take all necessary steps to secure a reasonable alternative format, technology, or process as soon as possible in consultation with the student.

Accessible course materials must be provided as soon as practicable after a request, but by no later than the first day of a course or two weeks from the date a relevant request was made, whichever is later.

#### **C. Accommodations based on Pregnancy, Childbirth or a Related Medical Condition.**

Students requesting an accommodation or academic adjustment based on pregnancy, childbirth or a related medical condition should contact the campus DSO. Reasonable accommodations or academic adjustments may include, but are not limited to, granting

leaves of absence, providing take-home tests to students who are on bedrest or homebound, allowing make-up tests and assignments, or scheduling a meeting with the instructor to review missed content.

### **III. Process and Timeline for Requests for Reasonable Accommodations and Academic Adjustments**

Students seeking accommodations or academic adjustments should contact the DSO at the CUNY College or unit they attend. Contact information is available on the college websites. Students who are unable to secure prompt assistance with accommodations requests alternatively may submit a complaint through the [Accessibility Complaint Form](#).

Students may be asked to complete an intake form and provide supporting documentation to establish a qualifying disability and the need for reasonable accommodation.

The DSO Director, or a designee, and the student will engage in an interactive process, which may include consideration of several factors, such as the student's limitations and the academic or program requirements, with the goal of finding an acceptable accommodation or academic adjustment. The DSO Director, or a designee may, when necessary and in a confidential manner, consult with appropriate college officials, such as the instructor or Provost, to determine program requirements and appropriate accommodations.

A grant or denial of an accommodations request must be made as soon as practicable taking into account the urgency of the request, but by no later than ten business days after the student is confirmed as a qualified individual with a disability. The grant or denial must be sent to the student in writing, either stating the accommodation or academic adjustment to be provided or the reason(s) the request was denied.

### **IV. Appeal of Disability Accommodation Decisions**

Students may appeal determinations concerning requested accommodations and academic adjustments by filing a written complaint with the 504/ADA Coordinator on their campus within ten business days of the date of the decision.

The 504/ADA Coordinator, or a designee, will try to resolve the issues between the student and the College to find an appropriate accommodation. If a mutually acceptable accommodation cannot be determined, the 504/ADA Coordinator, or a designee, will make a recommendation to the College President. The College President will render a decision as soon as practicable, but no later than ten business days of the date of receipt of the appeal. This decision shall be provided to the student in writing.

The student may also exercise rights available under law, including, but not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights ("OCR").

## **V. Prohibition of Retaliation**

CUNY prohibits retaliation against individuals for requesting reasonable accommodations or academic adjustments, appealing decisions concerning such requests, or for making or participating in claims of discrimination. Students may submit a report regarding discrimination or retaliation using the [CUNY University-wide Discrimination and Retaliation Reporting Portal](#).

## **VI. Confidentiality**

All requests for accommodations and academic adjustments, and all supporting documentation, including but not limited to medical information, are considered confidential and will be shared with college officials only on a need-to-know basis. Student accommodation documentation will be kept secure in the Accessibility or Disability Services Office or the Office of Student Affairs.

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