

August 16th, 2023

Colleagues,

I hope you have had a productive and enjoyable summer and are looking forward to the beginning of fall semester in a few short weeks. I write today **with critical information about actions needed from all administrators, faculty, and instructional staff members** to support our students with disabilities at CUNY.

A. Brief Background

CUNY is committed to providing access to higher education and ensuring equitable outcomes for all students, including qualified students with disabilities. This is consistent with our mission and required by a variety of state and federal laws, including Title II of Americans with Disabilities Act of 1990, which provides otherwise qualified students with a right of reasonable accommodation.

Despite our best efforts and sincere commitment to these principles, at times the University has fallen short in its actions. Last year, a complaint was filed with the U.S. Department of Justice (DOJ) against one of our colleges alleging a failure to provide accessible course materials and accommodations for a student with visual impairments.

In resolving this complaint, CUNY entered into a Voluntary Compliance Agreement (VCA) that applies to every campus and requires improvements across the institution in meeting the needs of students with disabilities. Action by administrators, faculty, and instructional staff is needed to comply with the terms of the VCA.

B. Actions Required

Over the next several months, we will be introducing new CUNY-wide policies and procedures to improve our services to our students with disabilities and meet the conditions of the VCA. **Beginning immediately**, we both implement the following changes and remind all administrators, faculty, and instructional staff of existing obligations under law and CUNY policy:

1. **Instructors:** In accordance with state law and existing CUNY policy, textbook and course materials information must be entered in Akademos (or your school's bookstore) or CUNYfirst at least two weeks *prior to the date the schedule of classes is made available*. **Textbook information for fall 2023 not previously entered must be entered immediately. Courses which do not require a textbook must also be identified as such.** This information is necessary to ensure that course materials are accessible to students with disabilities by the first day of class to the greatest extent possible. Department chairs are responsible for ensuring textbook information is posted for all departmental courses.
2. **Instructors: We strongly recommend that instructors upload their course materials in the University-supported LMS (Blackboard) for each class regardless of modality.** A Blackboard course site has been created for every

CUNY class scheduled for fall 2023. This action will help instructors identify accessibility problems using Ally, a tool within Blackboard, and work with technical experts to improve accessibility of course materials. Ally generates alternative formats that enable students to choose how to engage with the course's digital content. Guidelines on how to use Ally effectively will be provided shortly.

3. **Instructors:** In accordance with the ADA, NYS IT Accessibility Policy, and other laws, instructors should consider the accessibility of course materials, online learning products, platforms, and applications, including content they created, prior to use in the course. Ally will assist with this determination for content uploaded to Blackboard, and technical expertise will be made available to faculty as needed.
4. **Provosts:** Campus provosts must identify a point person to assist with technical issues for students with disabilities and faculty experiencing challenges with accessible course materials. At a minimum, this information must be provided to all students, faculty, and instructional staff at the beginning of each semester and posted in a prominent location on the college website.
5. **Students and Instructors:** Students remain responsible for self-identifying their disability status to the campus' Office of Disability Services (ODS). Once notified of approved accommodations, the instructor is responsible for providing them as specified or seeking clarification from ODS regarding the appropriateness of an accommodation for a specific course. Instructors must follow the appropriate procedures with ODS before taking independent action to modify the accommodations. Instructors should direct all such questions to ODS, **not the student.**

C. Next Steps

In the coming days, we will provide additional information about training opportunities, available support, and opportunities to learn more about our work in this area. The goal of our collective efforts is not simply to comply with the VCA and the ADA, which has been in effect for more than thirty years. Instead, it is to genuinely meet the needs of our students with disabilities and ensure full access to equal educational opportunity. Thank you for your efforts as we join in this work together.

Best,

Wendy Hensel
Executive Vice Chancellor & University Provost