



Executive Vice Chancellor
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Colleagues,

I hope you have had a productive and enjoyable summer and are looking forward to the beginning of fall semester soon. 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. In 2023, 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. Ongoing action by administrators, faculty, and instructional staff is needed to comply with the terms of the VCA. CUNY's full set of ADA policies relating to students, which were revised this year, can be found here: [Effecting Reasonable Accommodations and Academic Adjustments Procedures Relating to Accommodations and Accessibility for Students](#)

B. Actions Required

We 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, your school's bookstore, or CUNYfirst at least two weeks prior to the date the schedule of classes is made available (not two weeks prior to the start of the semester). **Textbook information for fall 2024 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. Provost offices and department chairs have access to textbook compliance reports through [CUNY's Tableau site](#). If a

department does not have access to the report, please complete the [CUNY Tableau Server Access Request Form](#).

2. **Instructors:** Per Board of Trustees policy, all fully online courses, both synchronous and asynchronous, must be delivered in a University-supported LMS (Blackboard or Brightspace) or an alternative LMS that meets [CUNY's cybersecurity policies](#) and complies with data privacy laws. See the complete policy for additional information: [LMS Use Policy for Online Classes](#).
3. **Instructors:** We strongly recommend that instructors upload their course materials in the University-supported LMS (Blackboard or Brightspace) for each class regardless of modality. **A course site in the LMS currently being used by each college has been created for every CUNY class scheduled for fall 2024.** Uploading course materials in the LMS will help instructors identify accessibility problems using Ally, a tool within both Blackboard and Brightspace, 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. Resources on how to use Ally effectively can be found here:
 - [Ally for LMS Help for Instructors](#)
 - [Ally Quick Start for Instructors](#)
 - [Instructor FAQs for Ally](#)
4. **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 Brightspace, and technical expertise will be made available to faculty as needed. In addition, you can seek technical assistance directly from D2L at 1-888-895-2511.
5. **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.
6. **Students and Instructors:** Students remain responsible for self-identifying their disability status to the campus' Office of Disability Services (ODS) to access necessary supports and services. 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.**

To facilitate and manage student accommodation requests, we are pleased to announce the launch of CUNY Accommodate this semester, with full implementation by January

2025. Training will be provided to ensure all are well-versed with this new process and technology. We are committed to providing seamless support for all students with disabilities to bolster their academic achievement and advance equity across our institution.

C. Next Steps

In the coming days, we will provide additional information about new asynchronous training courses, accessibility, and universal design for learning. We also will continue to provide colleges with updates on their textbook adoption compliance rates. 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 continue this work together.

Best,

A handwritten signature in blue ink, appearing to read "Wendy Hensel".

Wendy Hensel
Executive Vice Chancellor & University Provost