



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

May 16, 2014

Reference: 06142025

Dr. Laurence B. Alexander, Chancellor
University of Arkansas at Pine Bluff
1200 N. University Dr.
Pine Bluff, Arkansas 71601

Dear Dr. Alexander:

This letter is to inform you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, regarding the resolution of the above-referenced complaint filed against the University of Arkansas at Pine Bluff (UAPB), Pine Bluff, Arkansas, which was received on November 19, 2013. The complaint alleged that the UAPB discriminates against persons with disabilities (mobility impaired) by failing to provide programs and activities that are accessible to and useable by persons with mobility impairments at the UAPB Football Stadium (Golden Lion Stadium (GLS)) in the following ways:

1. The entry doors to the restrooms at the GLS are not accessible (Allegation 1);
2. There is no accessible seating at the GLS to accommodate mobility-impaired persons and their companions (Allegation 2);
3. An insufficient number of accessible parking spaces are provided at the GLS (Allegation 3); and
4. The route from the accessible parking spaces leading to the GLS entry is unstable (Allegation 4).

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department (recipients), are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging disability discrimination against public entities, such as public preschools, elementary

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and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries.

The UAPB is both a recipient of Federal financial assistance from the Department and a public entity. Therefore, OCR has jurisdiction to investigate this complaint under Section 504 and Title II.

OCR opened this complaint for investigation because we determined that the Complainant's allegation, if proven true, would constitute disability discrimination in violation of Section 504 and Title II. Specifically, OCR opened an investigation of the following legal issue:

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the UAPB because the GLS seating, restroom entry doors, related parking, and paths of travel from the related parking to the GLS are inaccessible to or unusable by persons with disabilities, in violation of Section 504 and Title II, at 34 C.F.R. §§ 104.21-104.23, and 28 C.F.R. §§ 35.149-35.151, respectively.

OCR conducted an on-site inspection of the GLS on April 3, 2014. After OCR's on-site inspection of the allegedly inaccessible facility in question, but before OCR reached an investigative compliance determination, the UAPB expressed a desire to voluntarily resolve the complaint. The UAPB submitted the enclosed Resolution Agreement (Agreement) dated May 15, 2014, to memorialize the steps that it will take to resolve the compliance issues raised by the complaint allegations. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the UAPB's efforts to implement the Agreement. Please be advised that if the UAPB fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This concludes OCR's investigation of the complaint and should not be interpreted to address the UAPB's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant has been notified of this action.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the UAPB may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the

complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that you and your staff extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Justin T. Evans, Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director
U.S. Department of Education
Office for Civil Rights, Dallas Office

Enclosure