

RESOLUTION AGREEMENT
University of Arkansas at Pine Bluff
OCR #06142025

The University of Arkansas at Pine Bluff (UAPB) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the UAPB commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and their respective implementing regulations, to resolve the allegations raised in the above-referenced complaint. The UAPB understands that OCR will not close the monitoring of this Agreement until OCR determines that the UAPB has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and Title II, at 28 C.F.R. § 35.149. The UAPB understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the UAPB understands that during the monitoring of this Agreement, if necessary, OCR may visit the UAPB, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the UAPB has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and Title II, at 28 C.F.R. § 35.149, which were at issue in this case. The UAPB understands and acknowledges 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 UAPB written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. This Agreement does not constitute an admission by the UAPB that it discriminated or otherwise engaged in any wrongdoing.

The UAPB will ensure that any new facilities or part of a facility will be constructed in accordance with U.S. Department of Justice (DOJ) guidelines. Be advised, DOJ's 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards), became effective on March 15, 2011. Compliance with the 2010 Standards is required for new construction and alterations initiated on or after March 15, 2012.¹

Unless otherwise noted, all structural changes or modifications to existing facilities pursuant to this Agreement will be in accordance with the technical and scoping requirements of the 2010 Standards referenced above.² New and altered facilities (or the identified new or altered part(s)) will be readily accessible to and usable by individuals with disabilities.

¹ In the U.S. Department of Education's *Notice of Interpretation of Section 504 of the Rehabilitation Act of 1973*, 77 Fed. Reg. 14972 (March 14, 2012), the Department states, "For new construction and alterations commenced on or after March 15, 2012, the 2010 Title II ADA Standards will be used by Education in its enforcement of the Title II regulations." For purposes of Title II compliance, public entities, including the UAPB, must comply with the 2010 Title II ADA Standards as of March 15, 2012, even if the Uniform Federal Accessibility Standards (UFAS) remain an option under the Section 504 regulations for some period after this date.

² The 2010 Standards can be accessed at this DOJ website: www.ada.gov/2010ADASTandards_index.htm.

The UAPB hereby voluntarily commits to the following:

1. By _____, the UAPB will inspect all entrances to its restrooms located at the Golden Lion Stadium (GLS) to determine whether they are in compliance with ADAAG § 4.13, together with all associated figures and other cross-referenced provisions.

Reporting Requirement: By _____, the UAPB will submit to OCR a report of its findings/determinations regarding the restroom entrances, along with a proposed plan to remedy any identified compliance concerns.

2. Based on the determination above, and in consultation with OCR, within 60 calendar days after OCR’s approval of the UAPB’s proposed or modified plan regarding the restroom entrances, the UAPB will make all changes necessary to ensure that the entrances are compliant with the appropriate accessibility standard, such that the entrances are readily accessible to and usable by individuals with disabilities.

Reporting Requirement: Within 14 calendar days after its completion of all changes, if any, to the restroom entrances in question, the UAPB will submit a report to OCR with documentation substantiating its compliance with Action Item 2.

3. By _____, the UAPB will inspect all parking areas located at the GLS to determine whether they are in compliance with ADAAG § 4.1.2, together with all associated figures and other cross-referenced provisions.

Reporting Requirement: By _____, the UAPB will submit to OCR a report of its findings/determinations regarding the parking areas, along with a proposed plan to remedy any identified compliance concerns.

4. Based on the determination above, and in consultation with OCR, within 60 calendar days after OCR’s approval of the UAPB’s proposed or modified plan regarding the identified parking areas, the UAPB will make all changes necessary to ensure that the parking areas are compliant with the appropriate accessibility standard, such that the areas are readily accessible to and usable by individuals with disabilities.

Reporting Requirement: Within 14 calendar days after its completion of all changes, if any, to the parking areas in question, the UAPB will submit a report to OCR with documentation substantiating its compliance with Action Item 4.

5. By _____, the UAPB will inspect all paths of travel leading from all of the accessible parking areas that service the GLS to the nearest accessible entrances to determine whether they are in compliance with ADAAG § 4.5, together with all associated figures and other cross-referenced provisions.

Reporting Requirement: By _____, the UAPB will submit to OCR a report of its findings/determinations regarding the paths of travel in question, along with a proposed plan to remedy any identified compliance concerns.

6. Based on the determination above, and in consultation with OCR, within 60 calendar days after OCR’s approval of the UAPB’s proposed or modified plan regarding the identified paths of travel in need of modification, the UAPB will make all changes necessary to ensure that the paths of travel are compliant with the appropriate accessibility standard, such that the areas are readily accessible to and usable by individuals with disabilities.

Reporting Requirement: Within 14 calendar days after its completion of all changes, if any, to the paths of travel in question, the UAPB will submit a report to OCR with documentation substantiating its compliance with Action Item 6.

7. By _____, the UAPB will inspect all seating within the GLS to include, without limitation, the Lion’s Den, to determine whether it is in compliance with ADAAG 4.1.3 (19), together with all associated figures and other cross-referenced provisions.

Reporting Requirement: By _____, the UAPB will submit to OCR a report of its findings/determinations regarding the availability of accessible seating located within the GLS, including the availability of required companion seating, along with a proposed plan to remedy any identified compliance concerns.

8. Based on the determination above, and in consultation with OCR, within 60 calendar days after OCR’s approval of the UAPB’s proposed or modified plan regarding the availability of accessible seating at the GLS, including the availability of required companion seating, the UAPB will make all changes necessary to ensure that the seating areas are compliant with the appropriate accessibility standard, such that the areas are readily accessible to and usable by individuals with disabilities.

Reporting Requirement: Within 14 calendar days after its completion of all changes, if any, to its accessible seating areas located within the GLS, the UAPB will submit a report to OCR with documentation substantiating its compliance with Action Item 8.

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

Date