



UNITED STATES DEPARTMENT OF EDUCATION  
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May 25, 2016

Dr. Deneece G. Huftalin, President  
Salt Lake City Community College  
4600 South Redwood Road  
Salt Lake City, UT 84123

Re: Salt Lake Community College  
Case Number: 08-16-2060

Dear Dr. Huftalin:

We are notifying you of our decision in this case. The Complainant alleged that the Salt Lake Community College (College) discriminates on the basis of disability. Specifically, the complainant alleged the College does not provide accessible visitor parking at its South City Campus.

We conducted our investigation under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the Department, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability in programs or activities of a public entity. As a public entity that receives Federal financial assistance, the College is subject to these legal requirements.

In reaching a compliance determination regarding these issues, we conducted an on-site inspection on February 17, 2016, and analyzed documents submitted by the College.

The regulations implementing Section 504 and Title II contain two standards for determining whether a College's programs, activities, and services are accessible to individuals with disabilities. One standard applies to existing facilities; the other covers new construction and alterations. Which standard applies depends upon the date of construction or alteration of the facility.

The program accessibility and architectural accessibility requirements of the Section 504 implementing regulation are found at 34 C.F.R. §§ 104.21 – 104.22. Comparable sections of the Title II implementing regulation are found at 28 C.F.R. §§ 35.149 – 35.150. Both 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149 generally provide that no qualified individual with a disability shall, because a College's facilities are inaccessible to or unusable by disabled individuals, be:

- 1) excluded from participation in, or denied the benefits of services, programs, or activities; or
- 2) otherwise be subjected to discrimination by the College.

## Parking - General

The College indicated to OCR that it took ownership of the property the campus is located on in 1988. The College reported that when the property was acquired there were six parking lots that already existed (Lot #'s 1, 2, 3, 6, 7 and 9) and three lots (4, 5, and 8) that have been added since acquiring the property. There are a total of 1,094 parking spaces on the campus, of which 28 are designated as accessible spaces with 23 of those designated as van accessible. Additionally, there are 45 visitor metered parking spaces in various lots none of which are designated accessible.

OCR first evaluated the designated accessible spaces in the nine lots and determined that the spaces meet the applicable accessibility standards with regard to the number of available spaces and the dimensions of the spaces. OCR next evaluated the types of parking available to staff, students, and to visitors; as well as the process for utilizing parking.

As discussed, the College provides nine parking lots on the South City campus and of the nine, six (4, 5, 6, 7, 8, and 9) primarily serve the main building and three (1, 2, and 3) primarily serve the facilities annex building. The College explained that students and staff are issued hangtags which allow them to park in designated lots (e.g. "Student" tag for the Student lot or "Faculty/Staff" tags for the faculty/staff lots). As for visitors to the campus, they have the option of purchasing a daily permit from the automatic parking permit dispenser located between lots 4 and 5, or to park and pay at any visitor parking meter in any of the lots. The College further explained that if the visitor is a person with a disability, they also have the option of parking in any accessible space located in any of the lots with a parking permit.

## Concerns

During our site visit we first noted that at every parking lot on campus there is signage at the entrance that restricts access to each lot to specific groups (students for student lots and faculty/staff for faculty lots). The signage contradicts the College's assertion that visitors can park at meters or more important, that visitors with a disability who need to park in an accessible space can park in the lots. We asked the College about the signage and the College stated that despite the signs visitors "know they can park there." Although there is no evidence to support or reject the College's assertions that visitors "know" they can park there, we will for the purpose of our investigation assume that visitors disregard the restrictions on the sign and choose to park in the lots anyway.

As stated, once a visitor enters a parking lot, he or she can choose to purchase a daily permit or park at a meter for a shorter period of time and for less money than it costs for a daily permit. The College also stated that if the visitor was disabled they "know" they can park in a designated accessible space in any lot with a daily permit. Even if true that a disabled person has the option of parking in an accessible space, we again found information that, in addition to restrictive signage at the entrance, may infer that a visitor could not park in a particular area even with the standard daily permit. Specifically, the signage at every designated accessible space includes a sticker that states "SLCC Handicap Permit Required." When questioned about the sticker, the

College explained that even if a disabled patron displayed the appropriate state issued parking permit (license plate or placard), the patron was also required to proceed into the College and prove to the College that he or she was the individual to whom the state placard or license plate was issued. Once a connection can be proven, the College then issues the patron a SLCC parking tag that the patron would then have to return to his or her vehicle and display. Based on the College's explanation of the parking process, we find that the additional requirement for disabled visitors wishing to park on campus places a larger burden on those who are disabled in comparison to nondisabled persons. Thus, the College's parking plan currently in place has the effect of subjecting disabled visitors to treatment that is more burdensome than similarly situated nondisabled patrons.

Our investigation also showed that the College treats disabled patrons differently than their nondisabled persons as it relates to payment options. Nondisabled patrons have an option to use pay meters as an alternative to paying for a parking permit in most locations. In contrast, spaces designated for disabled persons do not include the option of a pay meter, thereby denying persons with disabilities the same parking options as those persons who are nondisabled.

In summary, we find that the College did not comply with Section 504, Title II, and their implementing regulations because the College places additional requirements on disabled patrons wishing to park on campus that are not required of nondisabled patrons; and the College does not provide similar payment options to disabled patrons (pay meters).

We thank the College for voluntarily entering into an Agreement to resolve the issues. OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. The monitoring phase of this case will be completed when OCR determines that the College has fulfilled all of the terms of the Agreement. When the monitoring phase of this case is complete, OCR will close Case Number 08-16-2060 and will send a letter to the College, copied to the Complainant, stating that this case is closed.

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.

OCR routinely advises recipients of Federal funds that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Please also note the Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

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 courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions or concerns, please feel free to contact XXXX, Equal Opportunity Specialist and primary contact for this case, at XXXX or by email at XXXX, or me at XXXX.

Sincerely,

/S/

Thomas M. Rock  
Supervising General Attorney

Enclosure – Resolution Agreement