RESOLUTION AGREEMENT
Lake Superior State University
OCR Docket # 15-11-2018

Lake Superior State University (the University) voluntarily submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the University's compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, as well as with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The University agrees to take the actions listed below in order to provide individuals with disabilities, in particular those with mobility impairments, access to the University's facilities and programs. Modifications made pursuant to this agreement will be done in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

Action Steps

I. Facility Modifications

By December 15, 2014, the University will modify the facility elements set forth in the attached Appendix to ensure accessibility in compliance with the 2010 ADA Standards.

REPORTING REQUIREMENTS: By ~~December 15, 2013~~, June 15, 2014, and December 15, 2014, the University will submit documentation to OCR verifying its progress on the implementation of the actions set forth in the Appendix. Documentation may include photographs, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit of the University's campus to confirm full implementation of these items in accordance with the 2010 ADA Standards.

II. On-Campus Housing

A. By August 1, 2014, the University will convert one apartment unit in Moloney Hall to meet the 2010 ADA Standards. The apartment will have its own kitchen, bathroom and laundry area that comply with the 2010 ADA Standards. The University will also ensure that the parking lot directly in front of Moloney Hall includes the number of accessible parking spaces, including van accessible space(s), required by the 2010 ADA Standards.

B. By August 1, 2014, the University will develop and submit to OCR for review a detailed plan that describes how it is going to offer comparable, convenient, and accessible housing that is of sufficient quantity and variety so that the scope of living accommodations available to individuals with mobility impairments is, as a whole, comparable to that offered to non-disabled students. At a minimum, the plan will address the following issues:

1. Whether the University plans to comply with this requirement through such means as the alteration of existing facilities and/or construction of new facilities. Alterations will meet the requirements of the 2010 ADA Standards to the maximum extent feasible.

2. A list of the subject housing identified as dwelling units covered by the plan, specifying for each:

   a) the location of the unit;
   b) a description of the housing(e.g., single-sex freshman dormitory room, coed 4-person dormitory suite, coed single apartment, three-bedroom apartment, townhouse, row house, etc.) and the persons eligible to rent the dwelling unit (e.g., married students, graduate students, juniors and seniors, etc.);
   c) a description of the programs available at the location (e.g., honors program, Greek organizations, living learning communities, Upward Bound, etc.);
   d) the rental price;
   e) a description of amenities provided within the dwelling unit (e.g., whether or not the unit has air conditioning or laundry facilities);
   f) a description of the types of common spaces provided within the facility; and
   g) a timeline for the construction or alteration of each identified dwelling unit, including significant interim action steps as well as an estimated date of completion not to exceed ~~three~~ eight years from the signing date of this agreement.

B. After written notification from OCR that the plan developed pursuant to Item II.B is consistent with Section 504 and Title II requirements, the University will timely implement the plan in accordance with the estimated timeframes. The University will notify OCR in writing of any delay of more than 20 business days and provide an explanation of the delay and the new estimated date for completion.

C. By August 1, 2014, the University will provide notification in its student handbook, on its website, in its recruiting and orientation materials, and in any materials provided to students during its housing application and renewal processes that, upon request, it will provide accessible housing to individuals with disabilities and that it will provide an accessible venue for any University programs scheduled to occur in University housing that is not readily accessible to and usable by persons with disabilities. The University will also notify students of the title and contact information for the person(s) at the University from whom information regarding accessible student housing may be obtained.

REPORTING REQUIREMENTS: By August 1, 2014, the University will submit documentation to OCR verifying it completed its conversion of the one apartment located in Moloney Hall as set forth in item II.A. Documentation may include photographs, work orders,

purchase orders, measurements, or other documentation. The University will also submit to OCR for review the plan developed pursuant to Item II.B above and documentation of the notifications made pursuant to Item II.C. Upon receipt of written notification from OCR that the proposed plan is approved under the agreement, the University will implement the plan. The University will submit interim progress reports to OCR on or by June 15 and December 15 of each year, beginning with December 15, 2014, as well as a final report when all work specified in the plan is completed; the University may provide OCR with more frequent reports at its discretion. Each progress report should include a cover letter with a description of the work's progress along with documentation of the progress, which may include pictures, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit of the University's campus at any time deemed necessary by OCR or as requested by the University until all work is completed and, as necessary, to confirm full implementation of the plan.

III. Program Accessibility for Existing Facilities

A. By ~~January~~ March 31, 2014, the University will develop and submit to OCR for review a plan to ensure that, with respect to any existing facilities (e.g., Administration Building, Hillside House, Eskoonwid Endaad, etc.), it is able to promptly make such physical or programmatic changes as are necessary to ensure that its programs and activities, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. The plan will include provisions for notice to the University community of the University's willingness to move programs and activities as necessary to provide access, including the name or title and contact information of the person to whom requests for program access can be made.

B. Upon written notification of OCR's approval of the plan developed under Item III.A above, the University will implement the plan.

REPORTING REQUIREMENTS: By ~~January~~ March 31, 2014, the University will submit to OCR the plan developed under Item III.A. Within 30 calendar days of OCR's written notification that the plan is approved, the University will submit documentation verifying that it is implementing the plan, including copies of the notices provided to the University community. By August 1, 2014, the University will submit to OCR verification that it is continuing to implement the plan, including documentation of any programs or activities that were moved to provide program access, and any physical changes made to existing facilities to increase accessibility.

General Requirements

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Subpart C, and Title II and its implementing regulation at 28 C.F.R. Part 35, Subpart D, which were at issue in this case.

The University 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 University understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Subpart C, and Title II and its implementing regulation at 28 C.F.R. Part 35, Subpart D.

The University 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 University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Vice President for Finance
Lake Superior State University

Date

Vice President for Student Affairs
Lake Superior State University

12/18/2018
Date

APPENDIX

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
Parking Lot A	The University will modify the accessible spaces so that at least two of the seven designated accessible spaces will be served by clearly demarcated access aisles that are a minimum of 96" wide and will be designated with "van accessible" signage. The University will modify the remaining accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60" wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle. The University will modify the accessible parking area so that the slope does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).	208 502
Parking Lot B	The University will modify the accessible spaces so that at least two of the seven designated accessible spaces will be served by clearly demarcated access aisles that are a minimum of 96" wide and will be designated with "van accessible" signage. The University will modify the remaining accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60" wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle. The University will modify the accessible parking area so that the slope does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).	208 502
Parking Lot C	The University will add three more accessible spaces, for a total of six accessible parking spaces. For these additional spaces, the University will ensure they have clearly demarcated access aisles, at least 60" wide and extending the full length of the parking space(s) they serve; up to two parking spaces are permitted to share a common access aisle. The University will modify the accessible spaces so that at least one of the required six	208 502

	designated accessible spaces will be served by a clearly demarcated access aisle that is a minimum of 96" wide and will be designated with "van accessible" signage. The University will modify the accessible spaces so that they will be located on the shortest accessible route of travel to accessible entrances to the Athletic Center and the nearby tennis courts.	
Parking Lot D	The University will modify the accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60" wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle. The University will modify the designated accessible van parking space so that it is demarcated to be either 132" wide with a 60" access aisle, or 96" wide with a 96" access aisle. In either case, the University will ensure that the access aisle is clearly demarcated. The University will modify the designated accessible spaces so that the space closest to the Administration Building is also on the shortest accessible route to the accessible entrance to that building. The University will modify the accessible parking area so that the slope of the accessible spaces nearest to the Administration Building does not exceed a ratio of 1:48 (2.07% or 1.19 degrees). The University will ensure the accessible parking space closest to the Fletcher Building will be located on the shortest accessible route to the accessible entrance to that building. The University should note that in parking facilities where the accessible route must cross vehicular traffic lanes, such as through the parking lot, marked crossings enhance pedestrian safety, particularly for people using wheelchairs and other mobility aids. Where possible, it is preferable that the accessible route not pass behind parked vehicles. The University will add appropriate signage to the designated accessible space serving Cisler.	208 502 406 302

	The University will repair the curb cut that serves the space closest to Cisler so that it is stable and firm.	
Parking Lot E	The University will add one more designated accessible space, for a total of seven accessible parking spaces. The University will modify the designated accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60" wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle. The University will modify the designated accessible spaces so that at least two van parking spaces will be provided that are demarcated to be either 132" wide with a 60" access aisle, or 96" wide with a 96" access aisle. In either case, the University will ensure that the access aisles are clearly demarcated and that the parking spaces are designated with "van accessible" signage. The University will modify the designated accessible parking spaces and access aisles serving CASET so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees). The University will modify the designated accessible spaces so that the spaces closest to Cisler are on the shortest accessible route to the accessible entrance to that building. Compliant curb ramps will be provided along the route as necessary.	208 502 406
Parking Lot G	The University will modify the designated accessible parking space so that it is demarcated to be either 132" wide with a 60" access aisle, or 96" wide with a 96" access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with "van accessible" signage. The University will modify the accessible parking area so that the slope of the accessible space does not exceed a ratio of 1:48 (2.07% or 1.19 degrees). The University will modify the route from the parking area to the residence halls so that there is an accessible route, and the University will ensure that the designated accessible	208 502 206

	parking space will be on this accessible route.	
Parking Lot J	The University will modify the designated accessible parking spaces so that at least one of the six spaces is demarcated to be either 132" wide with a 60" access aisle, or 96" wide with a 96" access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with "van accessible" signage. The University will ensure that accessible parking spaces that do not meet the accessible van parking space criteria are not marked as such. The University will modify the accessible parking area so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees). The University will modify the designated accessible parking spaces so that they are located on the shortest accessible route to the accessible entrance to the Library. The University should note that in parking facilities where the accessible route must cross vehicular traffic lanes, such as through the parking lot, marked crossings enhance pedestrian safety, particularly for people using wheelchairs and other mobility aids. Where possible, it is preferable that the accessible route not pass behind parked vehicles.	208 502 206
Parking Lot K	The University will modify the designated van accessible parking spaces so that parking spaces a and g and the accessible parking space for the bookstore are each 96" wide with 96" wide access aisles. The University will modify the designated accessible parking spaces so that the space closest to the bookstore is also on the shortest accessible route to the accessible entrance to that building.	208 502 206
Parking Lot L	The University will add five more designated accessible spaces, for a total of six accessible parking spaces. The University will ensure that each space is at least 96" wide and each has a clearly demarcated access aisle, though two accessible spaces may be served by the same access aisle. The University will modify the accessible parking area so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).	208 502
Parking Lot O	The University will modify the designated accessible parking spaces so that parking space e is demarcated to be either at least 132" wide with a 60" access aisle, or at least 96" wide	208 502

	with a 96" access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with "van accessible" signage. The University will modify the remaining designated accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60" wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle. The University will modify the designated accessible parking spaces so that space closest to the bookstore is also on the shortest accessible route to the accessible entrance to that building. The University will modify the designated accessible parking spaces so that all spaces will be able to access the shortest accessible route to the accessible entrance to the Student Village. Compliant curb ramps will be provided as necessary.	406
Parking Lot S	The University will add one more designated accessible space, for a total of three accessible parking spaces. The University will modify the designated accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60" wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle. The University will modify the designated accessible parking spaces so that at least one of the three spaces is demarcated to be either 132" wide with a 60" access aisle, or 96" wide with a 96" access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, that the parking space is designated with "van accessible" signage, and that no space is marked "van accessible" that does not meet the van requirements. The University will ensure an accessible route, including any necessary curb ramps, from the designated accessible space closest to Moloney to the accessible entrance to the	208 502 406

	building.	
Parking Lot X	The University will modify the designated accessible parking space on the right facing the building so that it is demarcated to be either at least 132" wide with a 60" access aisle, or at least 96" wide with a 96" access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with "van accessible" signage. The University will modify the designated accessible parking space on the left facing the building is located on the shortest accessible route to the accessible entrances to the buildings this lot serves. The University will provide a compliant curb ramp as necessary and will ensure that the accessible route does not require a person to pass behind parked vehicles or travel in the vehicular drive. The University will modify the accessible parking area so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).	208 502 406
Parking Lots F, H, M, N, and T	The University will add at least the minimum number of designated accessible parking spaces required for the total number of parking spaces in each of these lots by 2010 ADA Standard 208.2, including at least one van space per 6 or fraction of 6 required accessible spaces. Each van space will be demarcated to be either 132" wide with a 60" access aisle or 96" wide with a 96" access aisle. Signage will be provided indicating these spaces to be van accessible. Each of the additional accessible parking spaces will be at least 96" wide and served by an access aisle at least 60" wide. Each space will be on the shortest accessible route to the accessible entrance of the building each parking area serves.	208 502
Exterior Accessible Routes Throughout Campus	The University will repair broken, crumbling concrete throughout campus along all accessible routes (e.g., routes between designated accessible parking spaces and accessible building entrances, between buildings, etc.) so that they are useable by persons with mobility impairments.	302 303 402 403
Norris Center	The University will move the garbage can that is obstructing access to the first-floor exterior hall elevator call button.	308
Cisler Student & Conference Center	The University will move the sign that is partially blocking the automatic door push plate at main entrance.	407.2.1.1 308.2.1 407.2.2.1

	The University will lower the call buttons for the elevator, add visible signals, and add braille designations in the hoistway.	407.2.3.1
Fletcher Hall	The University will modify the exterior ramp to the designated accessible entrance to the building so that its slope is not more than 1:12 (or. 8.33% or 4.76 degrees). The University will modify the route to the designated accessible entrance to the building so that it is useable to persons who use wheelchairs, to provide sufficient maneuverable space for a person to operate the door opener and travel around to the opening in order to enter the building, and to ensure that it can be safely used by a person entering the building from the ramp approach while another individual is exiting the building using the doors. The University will adjust the door opening force of the doors to the financial aid office and the registrar's office to a maximum of 5 lbf, and replace door hardware so that it is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate.	405.2 404.2.9 309.4
Center for Applied Sciences and Engineering Technology	The University will adjust the door opening force of the interior doors for the designated accessible side entrance to the building to a maximum of 5 lbf, and replace the exterior and interior door hardware so that it is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. The University will adjust the door opening force of the classrooms to a maximum of 5 lbf, and replace door hardware so that it does not require tight grasping, pinching, or twisting of the wrist to operate. The University will review all designated accessible seating in the classrooms, modify or replace the designated accessible seating areas to provide sufficient clear floor space foer persons who use wheelchairs and sufficient knee clearance beneath the designated accessible seating areas.	404.2.9 309.4 305 306
Arts Center	The University will modify the handrails for the interior ramp from the theater area to the classrooms so that they extend horizontally for 12" minimum beyond the top and bottom of the ramp runs. The University will adjust the elevator sensor so that the elevator remains open a full 20	505.10.1 407.3.3 407.3.5

	seconds when reopened.	
Crawford Hall	The University will adjust the door opening force of the door for Classroom 108 to a maximum of 5 lbf. The University will expand the space for the designated accessible seating in Classroom 108 to 36" and will move the garbage can from the accessible route to the designated accessible seating and keep the route clear from obstruction. The University will adjust the door opening force of the doors to the lab classrooms to a maximum of 5 lbf. In the lab classrooms, the University will ensure that paper towel dispensers are lowered to an allowable reach range.	404.2.9 802.1.2 308
Shouldice Library	The University will adjust the door opening force of the interior hallway doors between the library and classroom/office sections of the building to a maximum of 5 lbf, and replace door hardware so that it does not require twisting of the wrist to operate. The University will adjust the door opening force of the doors to the classrooms to a maximum of 5 lbf, and replace door hardware so that it does not require tight grasping, pinching, or twisting of the wrist to operate. The University will review all designated accessible seating in the classrooms and modify or replace the designated accessible seating areas to provide work surfaces at a height of no lower than 28 and no higher than 34 inches. The University will move the refrigerator at the rear of the coffee shop so that it does not obstruct the side reach to the elevator call buttons. The University will modify the elevator so that it makes an audible sound as the elevator passes or stops at a floor it serves.	404.2.9 309.4 902.3 308 407.4.8.2.1

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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REGION XV
MICHIGAN
OHIO

DEC 31 2013

Tony L. McLain, Ph.D.
President
Lake Superior State University
650 West Easterday Avenue
Sault Ste. Marie, Michigan 49783

Re: OCR Docket #15-11-2018

Dear Dr. McLain:

This letter is to notify you of the disposition of the complaint filed against Lake Superior State University (the University) with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), on November 3, 2010, alleging discrimination on the basis of disability. Specifically, the complaint alleged that:

1. parking lots at the University's facilities did not have adequate accessible parking spaces for persons with mobility impairments and some of the parking spaces had no surface markings or signage indicating them as accessible, nor signage indicating accessible routes from the parking;

2. the University allowed patrons and others to block or park vehicles in spaces designated as accessible even though they did not have disability placards permitting them to do so and, as a result, persons with disability placards could not park in accessible spaces;

3. the push plates allowing accessible entrance to University buildings were either blocked by wastebaskets or newspaper stands, or were inoperable or turned off by building maintenance to prevent leaves from entering into building lobbies;

4. there was no accessible route to the elevator at the Shouldice Library Building;

5. the main classrooms located in Crawford Hall, Shouldice Library, and the Center for Applied Sciences and Engineering Technology (CASET) building were not accessible due to the spacing between the stationary tables, steps preventing students with mobility impairments from accessing the seating areas, and cluttered aisles;

6. at various locations throughout the campus the pavement for the accessible routes was cracked and uneven;

7. a crosswalk located in front of the Arts Center had a ramp that was not flush with the route, but instead had a bump approximately four inches high;

8. the elevator buttons at Shouldice Library and at the Arts Center were placed too high to be usable by persons who use wheelchairs;

9. the following facilities had steps and no ramps, and were therefore not accessible to persons with mobility impairments:

    a. Admissions office (Hillside House)
    b. Public Safety office (Administration Building)
    c. Administration offices (Administration Building)
    d. Native American Center (Eskoonwid Endaad)
    e. Osbom Hall
    f. University residence halls
    g. "Business and Economics Building" (South Hall)

10. the Barnes & Noble bookstore located on campus had a two- to three-inch rise at the threshold of the designated accessible entrance, which prohibited entrance into the bookstore, causing persons with mobility impairments to remain in the lobby;

11. at Shouldice Library, there was a large rise at the threshold of the entrance into the large class/lecture room at the rear of the building; and

12. at Crawford Hall, there was no accessible escape route from the basement when there is a loss of power, leaving persons with mobility impairments trapped in the basement; and

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104. Section 504 prohibits discrimination based on disability by recipients of federal financial assistance from the U.S. Department of Education. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities and their instrumentalities. The University is a public institution which receives Federal financial assistance from the Department. It is, therefore, subject to the requirements of Section 504 and Title II, and OCR had jurisdiction to investigate this complaint.

Based on the allegations, OCR investigated the legal issue of whether the University has denied qualified individuals with disabilities the benefits of, excluded them from participation in, or otherwise subjected them to discrimination on the basis of disability because its facilities are inaccessible to or unusable by individuals with disabilities, in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.21, and the Title II implementing regulation at 28 C.F.R. § 35.149.

Background

(b)(6),(b)(7)(C)

To investigate this complaint, OCR interviewed the Complainant, her parents, and University staff; reviewed documents submitted by the University; and conducted onsite inspections of the facilities at issue. The Complainant showed several University facilities to OCR while OCR was onsite, in order to describe the alleged accessibility issues. OCR also provided the Complainant with the opportunity to respond to information provided by the University. Based on a careful consideration of the information obtained, OCR has determined that elements of several facilities at the University do not meet the accessibility requirements of Section 504 and Title II, some accessibility issues have been resolved by the University, and there was insufficient evidence of a violation of Section 504 and Title II with respect to several of the allegations. The University signed the enclosed agreement that, once implemented, will fully address the compliance violations in accordance with Section 504 and Title II. A summary of the applicable legal standards, OCR's investigation, the bases for OCR's determinations, and the terms of the agreement are presented below.

Applicable Legal Standards

The Section 504 implementing regulation states that no qualified person with a disability shall, because a recipient's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504 applies.

34 C.F.R. § 104.21. The Title II regulation contains a similar provision for public entities at 28 C.F.R. § 35.149.

The Section 504 and Title II regulations contain standards for determining whether a school's programs, activities, and services are readily accessible to and usable by individuals with disabilities, depending on whether the facilities are determined to be existing construction, new construction, or altered construction. The applicable standard depends on the date of construction or alteration of the facility and the nature of any alteration.

For existing facilities, the regulations require an educational institution to operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. This compliance standard is referred to as "program access." This standard does not require that the institution make each of its existing facilities or every part of a facility accessible if altemative methods are effective in providing overall access to the service, program, or activity. A recipient may comply with this standard through physical alteration of existing facilities, but a recipient is not required to make structural changes to the facility itself when other methods are effective in achieving compliance. 34 C.F.R. §104.22(a); 28 C.F.R. § 35.150(a). Under the Section 504 regulation, existing facilities are those for which construction began (ground was broken) on or before June 3, 1977. Under the Title II implementing regulation facilities constructed on or before January 26, 1992, are existing construction.
In choosing among available methods for meeting the program access requirement for existing facilities, an institution is required to give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate. 34 C.F.R. § 104.22(b); 28 C.F.R. § 35.150(b). The Section 504 regulation also requires a recipient institution to adopt and implement procedures to ensure that interested persons can obtain information as to the existence and location of services, activities, and facilities in existing construction that are accessible to and usable by persons with disabilities. 34 C.F.R. § 104.22(f).

For new construction, the facility or newly constructed part of the facility must itself be readily accessible to and usable by persons with disabilities. 34 C.F.R. § 104.23(a); 28 C.F.R. § 35.151(a). Under the Section 504 regulation, a facility will be considered new construction if construction began (ground was broken) after June 3, 1977. Under the Title II regulation, the applicable date for new construction is January 26, 1992.

With regard to alterations, each facility or part of a facility that is altered by, on behalf of, or for the use of an institution after the effective dates of the Section 504 and/or Title II regulation in a manner that affects or could affect the usability of the facility or part of the facility must, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by persons with disabilities. 34 C.F.R. § 104.23(b); 28 C.F.R. § 35.151(b).

For an entity covered by Section 504 and Title II, new construction and alterations begun after June 3, 1977, but prior to January 18, 1991, must conform to the American National

Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI). New construction and alterations begun between January 18, 1991, and January 26, 1992, must conform to the Uniform Federal Accessibility Standards (UFAS). Compare 45 C.F.R. § 84.23(c) (1977) and 34 C.F.R. § 104.23(c) (1981), with 34 C.F.R. § 104.23(c) (2012). New construction and alterations after January 26, 1992, but prior to March 15, 2012, must conform to either UFAS or the 1991 Americans with Disabilities Act Standards for Accessible Design (the 1991 ADA Standards). The U.S. Department of Justice published revised regulations for Titles II and III of the Americans with Disabilities Act (ADA) on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards). The 2010 ADA Standards went into effect on March 15, 2012, although entities had the option of using them for construction or alterations commencing September 15, 2010, until their effective date. For new construction and alterations as of March 15, 2012, public entities must comply with the 2010 ADA Standards.

A recipient subject to both UFAS and an ADA standard could choose to apply UFAS or the appropriate ADA standard consistently for each facility. As noted above however, public entities, regardless of recipient status, must use the 2010 ADA Standards for new construction and alterations as of March 15, 2012.

In reviewing program access for an existing facility, the ADA Standards or UFAS may also be used as a guide to understanding whether individuals with disabilities can participate in the program, activity, or service.

In addition, accessible features and equipment must be maintained in working condition. See 28 C.F.R. § 35.133. Temporary obstructions or isolated instances of mechanical failure or isolated or temporary interruptions in service or access are not prohibited, but should not persist beyond a reasonable period of time.

The University told OCR that it used the ADA Standards with respect to the facilities at issue in this complaint, with the exception of the Superior Dome (an indoor stadium used for football, soccer, and track). The Superior Dome was not at issue in this complaint except for a tunnel that links the Superior Dome with the University's Physical Education and Instructional Facility (PEIF), which the University stated was constructed in 1990. The other facilities at issue in this complaint were constructed or altered when the 1991 ADA Standards were in effect. OCR therefore used the 1991 ADA Standards in assessing compliance for each allegation except for the tunnel to the Superior Dome, for which, based on the date of its construction, OCR utilized ANSI. For any element that did not meet the required design standard, OCR also assessed whether the element would meet the requirements of the 2010 ADA Standards, which would apply to any modifications the University makes to the facilities at this time.

In addition to the accessibility standards described above, the Section 504 regulation, at 34 C.F.R. § 104.45, requires a recipient that provides housing to its nondisabled students to provide comparable, convenient, and accessible housing to students with disabilities at

the same cost as to others. Such housing must be available in sufficient quantity and variety so that the scope of choice of living accommodations for students with disabilities is, as a whole, comparable to that of nondisabled students.

Summary of OCR's Investigation and Analysis

The information submitted by the University indicated that the University has 38 buildings and 17 parking areas on its campus. Most of the buildings were constructed during the 1920s and only a few have had significant renovations. Meanwhile, the majority of the parking areas have been resurfaced and restriped since the effective date of the ADA and, as such, they have undergone material alterations. Below is a list of the University buildings along with each building's date of construction and renovation (if any).

	Buildings	**Date of Construction**	**Date(s) of Renovation**
1.	Administration Building[1] (administrative offices)	1920	1946 addition; 1996 renovation of first-floor restroom
2.	Alumni House (alumni offices)	1920	
3.	Aquatic Research Laboratory[2]	1902	
4.	Arts Center (performing arts facility, department offices, classrooms, and support spaces)	2004	
5.	Barnes & Noble Book Store (fka Canusa Hall)	1967	1993 converted from dining hall to book store; 2010 interior electronic door openers installed
6.	Brown Hall (education department)	1920	1965 renovation; scheduled for renovation 2013
7.	Center for Applied Science and Engineering Technology (CASET) (classrooms and support spaces)	1981	
8.	Central Heating Plant (steam-generating plant)	1969	
9.	Cisler Student & Conference Center (food service, convention and hospitality center, classrooms, student affairs and activities offices, radio station, computer labs)	1973	1994 addition
10.	Crawford Hall of Science	1964	1974 and 2000 additions

[1] Register of National Historic Places
[2] National Historic Civil Engineering Landmark

	(classrooms and support space, café, computer labs, museum, department offices)		
11.	East Hall (document storage) (vacant since 2005)	1920	
12.	Eskoonwid Endaad (Native American Center)	1920	1997 "facelift" including interior wall repair and painting, installation of new carpeting, relocation of administrative offices to the second floor and opening up of first floor to provide student study space
13.	Fire Science Building (laboratory)	1998	
14.	Fletcher Center for Student Services (registrar , financial aid and student services)	1936	1977 renovation
15.	Gate House (secondary electrical distribution) (currently unused)	1921	
16.	Health CARE Center (health services)	1990	
17.	Hillside House (admissions office)	1920	2000-south; 2001-north rebuilt stairs
18.	Michigan Hall (child development center)	1920	
19.	Norris Center (gym, ice arena, pool, classrooms and support spaces, department offices, firearms range, racquetball courts, student activity center)	1974	1995 additions to the ice arena; Student Activity Center built in 1999
20.	Pianosi Maintenance Center (maintenance, motor pool, receiving)	1977	
21.	President's Residence	1920	
22.	Shouldice Library (A/V, coffee shop, classrooms, computer labs, counseling services, career services, disability services, extended learning, department offices, interactive television center, study rooms, School of Business, Economics and Legal	1971	1996 addition

	Studies)		
23.	South Hall (student support and classrooms) (previously housed Business and Economics) (building currently vacant; closed in 2005)	1920	
24.	Young's House (house director residence)	1959	
25.	Brady Hall (student residence - freshmen male dormitory, Upward Bound)	1939	
26.	Chippewa Hall (student residence - row house, English Club)	1920	1996 remodel of interior, updated kitchen appliances, added carpet and repainted
27.	Easterday House (student residence - row house, upperclassmen)	1920	
28.	Erie Hall (student residence - row house, Criminal Justice and Fire Science)	1901	
29.	Huron Hall (student residence - row house, Chemistry Club)	1901	2011
30.	Laker Hall (student residence - row house, Fisheries & Wildlife Club)	1920	
31.	Marquette Hall (student residence -apartments) (currently vacant and was scheduled for demolition for 2013)	1968	
32.	Moloney Hall (student residence - coed apartments, upperclassmen)	1969	
33.	Neveu Hall (student residence-coed apartments, upperclassmen)	1970	
34.	Ontario Hall (student residence-row house, honors program)	1920	1994 remodel of interior, updated kitchen appliances, added carpet and repainted
35.	Osborn Hall (student residence-freshmen female dormitory)	1967	
36.	Ryan House (student residence-row house, upperclassmen)	1920	
37.	Student Village (student residence-coed apartments)	1970	
38.	Townhouses (student residence, upperclassmen)	1974	

The University's Disability Services handbook, available on the University's website at http://www.lssu.edu/disability/documents/policymanual.pdf, includes a section titled "Accessibility on the LSSU Campus." This document states that most buildings at the University are accessible, but some are not, and that many of the buildings "cannot be

significantly changed" because "of their historical status." The document provides lists of "fully accessible buildings," "partially accessible buildings," and "inaccessible buildings," and states that, if a person needs to meet with someone whose office is in an inaccessible building, the person should "just give them a call and they will be happy to arrange to meet" in an accessible location.

Although the University indicated a number of its buildings are historic, only the two noted above (the Administration Building and the Aquatic Research Laboratory) were shown by the documentation obtained by OCR during the investigation to be designated historic properties under Federal, state, or local law.

- **Buildings the University Does Not Dispute Are Inaccessible**

Of the buildings referenced in the complaint, the University maintains, and OCR confirmed, the buildings listed below are inaccessible:

- Administration Building
- Hillside House
- Eskoonwid Endaad
- Brady Hall
- Chippewa House
- Easterday House
- Erie Hall
- Laker House
- Marquette Hall (scheduled for demolition 2013)
- Moloney Hall
- Neveu Hall
- Ontario Hall
- Osborn Hall
- Ryan House
- Student Village
- Townhouses

This includes all University campus housing.

Most of the buildings not disputed to be inaccessible are existing construction, with the exception of the first-floor restroom in the Administration Building (renovated in 1996), the Hillside House stairs (renovated in 2000), Chippewa Hall (interior remodeled in 1996, kitchen appliances updated, and carpet added), Ontario Hall (interior remodeled in 1994, kitchen appliances updated, and carpet added), Huron Hall (renovated in 2011, including doors, carpet, tile, cabinetry, counters, plumbing, and phone systems), and Eskoonwid Endaad (interior renovated in 1997).

Hillside House houses the admissions office, including the admissions advisors for high school students, transfer students, and international students. The Administration

Building houses the following University offices and programs: Academic Computing, administrative offices, Human Resources, Institutional Research Analyst, the mailroom, Network & Telecommunications Administrator, Payroll, Provost & Vice President for Academic Affairs, Purchasing, Security, Vice President of Enrollment Services, and the University President. Eskoonwid Endaad houses the University's Native American Center. Several student organizations use the Native American Center for meetings, including the Native American Students Organization (NASO), the American Indian Science and Engineering Society (AISES), and the Student Organization for Diversity (SOFD). Services offered at the Native American Center include academic advising, tutoring, mentoring, and resource location, and assistance with general questions about the University. There is also a computer lab available for all students. The Native American Center has also been used to hold cultural diversity classes, and as the location for an annual Native American graduation celebration and feast, Native American Heritage Month celebrations, monthly potluck lunches, and an art exhibit. Finally, the Native American Center works with the King Chavez Parks College Day Program, which provides opportunities for career exploration and college preparation activities for underrepresented students in grades 6-12.

The Complainant alleged that the "Business and Economics Building" was inaccessible due to steps leading to the entrance. She seems to have been referring to the University's South Hall, which used to house the University's Business and Economics department. However, OCR learned that South Hall has been closed since 2005. The department was moved into Shouldice Library, a facility that is discussed in more detail below.

With regard to the housing facilities, the University acknowledges that none of its housing is accessible. The University offers different student housing choices, none of which are available to students with mobility impairments due to the lack of any accessible residential facilities at the University. The University has the following on-campus housing choices: Brady Hall, a single-sex men's freshman residence hall; Osborn Hall, a single-sex women's residence hall whose residents are mostly freshman; the Student Village, coed suite-style units for students who have been out of high school for 15 months or more consisting of four bedrooms (two occupants per bedroom), a commons area and a bathroom each; Moloney and Neveu Halls, coed apartments for single students who have been out of high school for 27 months or more (Neveu contains one-bedroom apartments available for single or double occupancy, and Moloney has one, two, and three-bedroom units that hold up to six students); the Townhouses, suite-style units consisting of two bedrooms and one bathroom each (the units house up to four students each); and the row houses (Chippewa, Easterday, Erie, Huron, Laker, and Ryan), generally for students who have been out of high school for 15 months or more, which are homes originally built as officers' quarters, each of which is unique but has a kitchen, bathroom, living area, and double or single bedrooms.

In addition, a number of different University programs are located at the inaccessible housing facilities, including: the University's honors program (Ontario), campus Greek organizations (some of the row houses), living learning communities (Criminal Justice & Fire Science – Erie; Chemistry Club – Huron; Fisheries & Wildlife Club – Laker; English

Club – Chippewa), and Upward Bound (Brady) (a Department-funded program for high school students).

With the exception of the Student Village, all housing units require the use of stairs to access the main entrance. In the Student Village, three of the towers can be entered at the ground level. There is one apartment in each tower that is also on the ground level. Although a person with mobility impairment could reach the front door of the Student Village's three ground-level apartment units without climbing any stairs, the units are not accessible.

There are additional buildings the University indicated are inaccessible, but OCR did not visit these buildings, which were not subjects of the allegations of this complaint, during its onsite.

The University's former Director of Human Resources stated to OCR that her office is in charge of ADA compliance and facility accessibility. When asked what would a happen if a student with a disability wanted to participate in an University program but could not because it was located in an inaccessible facility, the Director of Human Resources indicated that the program would be moved to an accessible location, although the University has no written policy to that effect, beyond the statement from the Disability Services document described above.

During interviews, other University staff explained that they regularly move programs or services housed in these buildings to an accessible location. As an example, the University indicated that, if an individual with a disability applied for employment, the human resources staff would meet with that person at the library, which is accessible. It was not clear what would happen, however, if a person was hired for one of the programs located in an inaccessible building, or if a student with a disability wanted to regularly participate in a program located in an inaccessible building.

- **The Norris Center**

Although not allegations in this complaint, during OCR's June 2011 onsite, the Complainant asserted that the exterior elevator call buttons in the Norris Center were blocked by a heavy garbage can and that the criminalistics lab that is housed at the Norris Center had computers that she felt were too narrowly spaced.

The Norris Center was built in 1974, and is a multi-use building that houses a gym, the University's ice arena, classrooms, and support services. The Complainant had had a class in the building (Room 214 Criminalistics Lab). The door to Room 214 opened with less than 5 pounds of pressure, which meets the 1991 and 2010 ADA Standards. The doorway width was 33¼". There were work stations set up at tables with computers. Some tables had tray-mounted keyboards, which lessened knee clearance under tables; however, some tables did not have under-mounted keyboards and instead had keyboards on the table tops. The tables without under-mounted keyboard trays offered 27¾" knee clearance and were 28½" high. There were 42" between workspace rows.

The space at the tables without the under-mounted keyboard trays meets the 1991 ADA Standards. There is sufficient knee clearance and clear floor space. (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)

OCR inspected the elevator in the Norris Center. The second floor exterior hall call buttons measured 42.5" from the floor to the middle of the button. The carriage door was 42" wide. The door initially stayed open 6-8 seconds and the sensor worked without contact. Once the sensor was activated, the door remained open for more than eight seconds. The inside maneuverability space of the carriage measured 79¼" by 47¾", and the internal call bottom button on the interior elevator panel was 42¾" high measured from the floor to the middle of the button. The interior emergency button was 55½" high. On the first floor, the exterior hall call button was partially obstructed by a garbage can. The call button measured 42" high from the floor to the middle of the button.

The 1991 ADA Standards at Section 4.10.3 require call buttons in elevator lobbies and halls to be centered at 42" above the floor. However, the 2010 ADA Standards at Section 407.2.1.1 require elevator call buttons and keypads to be located within one of the reach ranges specified in Section 308, measured to the centerline of the highest operable part. Both the 1991 and 2010 ADA Standards require that, when a forward reach is unobstructed, the high forward reach shall be 48" maximum and the low forward reach shall be 15" minimum above the finished floor or ground. When a side reach is unobstructed, the high side reach shall be 54" maximum and the low side reach shall be 9" minimum above the floor. While the call button's height is within the reach ranges under the 1991 and 2010 Standards, the placement of the garbage can is still obstructing the accessible route to the elevator.

- **Cisler Student & Conference Center**

Cisler was constructed in 1973 and an addition was built in 1994 extending the lower-level offices. The building has not otherwise been renovated. Cisler is a multiple-floor building that houses the University's primary food services, cafeteria, banquet facilities, conference rooms, classrooms, computer labs, radio station, and office space. The University's Campus Life and Housing Department is located in the newer addition.

The main entrance has automatic doors and a push plate. The exterior automatic door opened to 90 degrees and remained open 30 seconds. The exterior push plate was 42" from the ground to center. The clear width to the door face was 32". The handle on the other side of the door was a long push bar that ran the width of the door. The height to the bottom of the push handle was 36" and the height to the top of the push handle was 37". There are also interior automatic doors from the vestibule to the lobby that operate with push plates. The interior automatic door remained open 30 seconds. The interior push plate located in the vestibule measured 41" from the ground to the center of the plate. The handle on the other side of the interior door was two bars that ran the width of the door. No depression of bars was necessary to open the interior door. The height of the bars from the ground to the top of the bottom bars was 38½" and from the ground to

the top of the top bar was 45". The push plate located in Cisler for the interior doors was obstructed by a sign that was affixed to the floor with screws. The push plate was located 41" from the ground.

The 1991 ADA Standards at Section 4.13.5 require doorways to have a minimum clear opening of 32" with the door open 90 degrees. Push plates used to operate automatic doors as well as door push handles and bars have to be within the stated reach ranges at Section 4.2. Both the 1991 and 2010 ADA Standards require that, when clear floor space only allows forward approach, the minimum and maximum forward reach ranges are 15" and 48". When clear floor space allows parallel approach by a person using a wheelchair, the minimum and maximum side reach ranges are 9" and 54". All entrance door handles and push plates inspected by OCR at Cisler were within the appropriate ranges. One push panel was blocked by an affixed sign, which obstructed the accessible route to the push plate.

The elevator in Cisler is located in a part of the building that was constructed in 1973, and has not been renovated. The exterior elevator door was 42" wide. There was a 1¼" gap between the floor and the elevator carriage. The door remained open four seconds and reopened easily when the sensor was activated but remained reopened for only three seconds. The exterior hall call button was round and measured 51¼" from the floor to the middle of the button. When the button was pushed, it was illuminated above the button. There were Braille labels below the button. The dimensions of the carriage were 79" by 56". There were no visual indicator lights or lanterns either in the carriage or in the exterior hall. There was no emergency call button inside the carriage. The interior control panel measured 56" from the floor to the top button and 53" to the alarm button. The lowest button was the door open button and it was 50" above the floor. There were Braille labels near each button, but no illumination. The carriage did not have any grab bars. There was no Braille in the hoistway indicating the floor number. There was a white paper sign taped next to the control panel that read, "Please let elevator doors close completely before selecting floor." There was no Braille for the sign.

The 1991 ADA Standards at Section 4.10.6 require that elevator doors open and close automatically, that they remain fully open for at least 3 seconds, and that door reopening devices remain effective for at least 20 seconds. Section 4.10.9 states that the maximum clearance of between the floor and the elevator carriage is 1¼" and that the floor area of an elevator car shall provide space for persons using wheelchairs to enter the car, maneuver within reach of the controls, and exit from the car. For a side entrance car, the acceptable dimensions are 51" by 68". For a center entrance car, the acceptable dimensions are 51" by 80". Therefore, the elevator is in compliance with these sections of the 1991 ADA Standards; however, the 1991 ADA Standards at Section 4.10.3 require call buttons in elevator lobbies and halls to be centered at 42" above the floor. In this case the first-floor call buttons were centered at 53" and were too high. The 2010 ADA Standards at Section 407.2.1.1 require elevator call buttons and keypads to be located within one of the reach ranges specified in Section 308, measured to the centerline of the highest operable part. The 2010 ADA Standards at Section 308.2.1 require that, when a forward reach is unobstructed, the high forward reach shall be a maximum of 48", and

when a side reach is unobstructed, the high side reach shall be a maximum of 54". Aecordingly, the eall buttons are too high under both the 1991 ADA Standards and the 2010 ADA Standards.

Additionally, the 1991 ADA Standards at Section 4.10.4 require that a visible and audible signal must be provided in eaeh hoistway entrance to indieate whieh car is answering the call and at Seetion 4.10.5 require that all elevator hoistway entrances have raised and Braille floor designations provided on both jambs. The 2010 ADA Standards contain similar requirements at Sections 407.2.2.1 and 407.2.3.1. This elevator has no visible signals, nor does it have the required Braille in the hoistway.

- **Fletcher Hall**

Fletcher Hall was not at issue in the allegations of the complaint. However, during the investigation, a witness alerted OCR to potential aeeessibility issues regarding the designated accessible entrance to this building and exterior ramp leading to the entrance. OCR learned that Fletcher Hall was built in 1937, and underwent an unspecified renovation in 1977. Fleteher houses the University's Student Serviees Center, ineluding offices for Business Operations, Financial Aid, the Registrar, and Scheduling. There is an aftermarket, wooden exterior ramp to the designated aeeessible entranee of the building. The ramp has four sections and three landings/resting areas. It has an asphalt apron to allow transition from sidewalk over gravel area to ramp. The asphalt is uneven and does not provide a stable, firm, and slip-resistant surface.

OCR measured the ramp in four sections starting at the bottom toward the entrance to the building. The two resting areas were also measured starting at the first resting area. The first section of the ramp was 13'6" in length and 42" in width. The lower part of this section had a slope of 5.8 degrees, a eross slope of 1.1 degrees, and the top portion of this section had a slope of 6.4 degrees and a eross slope of 1.29 degrees. The first landing/resting area measured 84" by 80". The second section of the ramp measured 8'6" in length, the slope was 4.8 degrees, and the eross slope was 0.7 degrees. The second landing/resting area measured 54" by 54". The third section of the ramp had a length of 6' and was 40" in width. The slope was 5 degrees and the eross slope was 0.4 degrees. The third landing/resting area measures 43" by 54". The handrails for the ramp varied in height from 35½" at the bottom of the ramp to 34" at the top. The space between the handrails and the fencing on the sides of the ramp varied from 3½" to 2". The eircumference of the handrails was 1¾".

The 1991 ADA Standards at Section 4.8.1 require that any part of an accessible route with a slope greater than 1:20 (2.86 degrees; 5.0%) be considered a ramp and comply with 4.8. The three route segments described above are therefore considered a ramp. Both the 1991 ADA Standards at Section 4.8.2 and the 2010 ADA Standards at Seetion 405.2 require that the least possible slope be used for any ramp and that the maximum slope of a ramp be 1:12, which equates to 8.33% or 4.76 degrees. Sinee eaeh segment of the ramp that was measured and described above has a steeper slope than the ADA-

allowed maximum, the slope of the ramp is too steep and does not provide program access to the programs housed at this facility.

The 1991 ADA Standards at Section 4.8.5 require that a ramp that has a rise greater than 6" or a horizontal projection greater than 72" have handrails on both sides and that the top of the handrail gripping surface be mounted between 34" and 38" above the ramp surface. Section 4.26.2 requires the diameter or width of the gripping surfaces of a handrail to be within 1¼" to 1½". The 1991 ADA Standards at Section 4.26.2 require that if handrails are mounted adjacent to a wall the space between the wall and handrail shall be 1½". The 2010 ADA Standards at Section 405.8 require handrails for ramp runs with a rise greater than 6" and at Section 505.4 require the same height range as the 1991 ADA Standards. The 2010 ADA Standards at Section 505.5 require 1½" minimum clearance between handrail gripping surfaces and adjacent surfaces. Accordingly, while the handrails would be too far from the fencing under the 1991 ADA Standards, they comply with the 2010 ADA Standards.

The exterior entrance has an automatic door operated by a push button. The ramp requires a user to approach the entrance of the building from the side directly in front of the exterior entry doors and the stairs leading from ground level to the door entrance. It appeared that if an individual using a wheelchair were attempting to enter the building at the same time that someone was exiting the building the individual using the wheelchair could be hit with the door and pushed down the stairs. Additionally, it was not clear how a person using a wheelchair entering from the exterior ramp could operate the door opener and still be able to maneuver around the opening door in order to enter, given the location of the stairs in front of the entrance.

The width of the exterior door was 33". The door opened to 90 degrees and remained open for over 1 minute. The height of the button that operated the exterior door was 38¼" measured from the ground to the middle of the button. There was a concrete landing in front of the entrance which was 5' measured from the top stair of the steps adjacent to the ramp to the door threshold. The measurement from the handrail to the door was 50". The handles were pull handles and did not require twisting, turning, or pinching. There was a push plate located in the vestibule to open the exterior and interior doors leading into the building. The height of the push plate to the center of the plate was 38½".

The entrance to the financial aid office was in the vestibule. At the time of OCR's onsite, the door was propped open with a wooden door prop. The latch handle required pinching to open the door. The height of the latch from the ground was 28½", and the door width was 32". The door required 12 pounds of pressure to open. There was a push bar/crash bar handle on the other side of door. There was an interior hallway door to financial aid that was marked "Do Not Enter."

The entrance to the registrar's office was also in the vestibule. The door had a latch handle that required pinching to open the door. The height of the latch from the ground was 29". The door width was 32". The door required 8 pounds of pressure to open.

There was a push bar/crash bar handle on other side of the door. There was an interior hallway door to registrar's office that was marked "Do Not Enter."

The 1991 ADA Standards at Section 4.13.5 require doorways to have a minimum clear opening of 32" with the door open 90 degrees. Push plates used to operate automatic doors as well as door push handles and bars must be within the stated reach ranges at Section 4.2. Both the 1991 and 2010 ADA Standards require that, when the clear floor space only allows forward approach, the high forward reach shall be 48" maximum and the low forward reach shall be 15" minimum above the finished floor or ground. When the clear floor space allows parallel approach by a person using a wheelchair, the high side reach shall be 54" maximum and the low side reach shall be 9" minimum above the floor.

Moreover, as noted above, both the 1991 ADA Standards at Section 4.13.9 and the 2010 ADA Standards at Section 309.4 require that door hardware (handles, pulls, etc.) must be easy to grasp and not require twisting, turning, or pinching. Also, both the 1991 ADA Standards at Section 4.13.11 and the 2010 ADA Standards at Section 404.2.9 state that 5 pounds is the maximum allowable force required to open an interior, non-fire door. Thus, the doors to the financial aid office and the registrar's office would not comply with the ADA Standards.

- **Center for Applied Sciences and Engineering Technology (CASET)**

CASET was constructed in 1981 and is therefore new construction and the ANSI standards applied. CASET houses the University's engineering, computer science, and mathematics schools. The main entrance of the building was located off the building's lobby and had a latch door handle that required pinching, but also had automatic accessible doors with push plates. The height of the exterior push plate was 40" measured from the ground to the center. The exterior and interior doors opened to 90 degrees. The interior door remained open for 27 seconds, and the exterior door remained open for 32 seconds. The width of both doors was 36". The handles were bars on the inside of interior doors and crash bars on the inside of the exterior doors. The height of the interior push plate from the floor to the center of the plate was 41". There were interior doors heading into the lobby from the vestibule. The door handles were bars that had to be pulled and required no twisting, turning, or pinching. There was also a push plate in the vestibule to control the doors, which measured 41" from floor to center.

The building's side entrance was also designated as accessible. It had no push plate. There was a latch handle which required pinching to open. The entrance's clear width was 34 ½". The height of the exterior handle measured 37" to the bottom of the handle and 38 ½" to the top. The other side of the door had a crash bar handle. The exterior door required 10 pounds of pressure to open. The interior doors at the side entrance also had no push plate. There was also a latch handle, which required pinching to open. The clear width of the doorway measured 37". The height of the exterior handle measured 34½" to the bottom of the handle and 35¾" to the top. The other side of the door had a crash bar handle. The door required 10 pounds of pressure to open.

ANSI is silent regarding door hardware. However, as described above, the 1991 and 2010 ADA Standards require the use of door handles that have a shape that is easy to grasp with one hand and do not require tight pinching. Likewise, ANSI is silent regarding door opening force, but the 1991 and 2010 ADA Standards require maximum force for pushing or pulling open an interior, non-fire, hinged door to be 5 pounds of pressure. There is no stated opening force requirement in the 1991 or 2010 ADA Standards for exterior doors. As such, the interior door to this designated accessible entrance is too heavy and must have new door handles installed to comply with the current standards in order to provide program access to the programs located in this facility.

OCR measured an available classroom in the CASET building (Room #212). The Complainant indicated that, because of the narrow access aisle between the fixed tables in CASET classrooms and because the tables are placed on risers, she could not maneuver her motorized wheelchair behind a table and turn it so that she was facing the front of the class. So she had to sit at the end of the table, facing the wall, and turn her head to look at the front of the class. As described by the Complainant, Room #212 had auditorium seating with tables bolted to the floor that sat on a riser. The width between the ground level bolted desk and the start of the first riser was 27". Knee clearance under the table measured 27¼". The designated accessible seating was a table at ground level. The measurement from the metal leg of the table to the outside table edge was 27". This one seat space was the only accessible seat in the classroom, which had a total of approximately 68 student seats. The chair located in this seating area was very heavy and was difficult to move. There was no clutter in the aisles at the time of OCR's onsite, although class was not in session at that time.

ANSI is silent regarding fixed seating; however, the 1991 ADA Standards at 4.32 require that fixed or built-in seating have a minimum clear floor space as provided in 4.2.4. This standard requires that the minimum clear floor space to accommodate a single stationary wheelchair is 30" by 48". The minimum clear floor space may be positioned for forward or parallel approach. The 1991 ADA Standards at 4.32.2 state that such clear floor space shall not overlap knee space by more than 19 inches. The 1991 ADA Standards at 4.32.3 require knee spaces to be 27" high, 30" wide and 19" deep. The 2010 ADA Standards at Section 306.3 state that knee clearance shall extend 25" maximum under an element at 9" above the floor, 11" deep minimum at 9" above the floor and 8" deep minimum at 27" above the floor, and 30" wide minimum. The width of the space is 27" and would not meet the 30" requirements for clear floor space or knee clearance under the 1991 or 2010 ADA Standards. In addition, a heavy chair was blocking access to this seating location.

The clear width of the door entering the classroom measured 32" and there is also a latch handle, which required pinching to open. The height to the bottom of the handle measured 34½" and to the top 36". The door required 12 pounds of pressure to open.

ANSI is silent regarding door hardware. However, as described above, the 1991 and 2010 ADA Standards require the use of door handles that have a shape that is easy to

grasp with one hand and do not require tight pinching. Likewise, ANSI is silent regarding door opening force, but the 1991 and 2010 ADA Standards require maximum force for pushing or pulling open an interior, non-fire, hinged door to be 5 pounds of pressure. As such, the interior door is too heavy and the door handles are of an inaccessible design.

- **Arts Center**

When the Complainant toured the campus with OCR, she noted her difficulty in accessing classrooms at the Arts Center. Also, in traveling the route through the Arts Center to reach the areas relevant to the complaint, OCR noted additional accessibility issues, as described below.

The Arts Center was built in 2004; as such, it is new construction and the 1991 ADA Standards applied. The Arts Center houses the University's performing arts center as well as academic classrooms and offices. The performing arts portion of the building is at the front and includes the main entrance. Most students enter the Arts Center through the main entrance and have to walk through the lobby of the performing arts section to get to their classrooms in the back of the building. OCR began its onsite examination of the Arts Center at the front entrance and followed the designated accessible route to the classroom area.

The exterior accessible front entrance had push plates. The height of the exterior push plate was 43½" from ground to center. The exterior door handles did not require twisting, turning, or pinching. The width of the exterior door was 32". The door opened to 90 degrees for 18 seconds. The interior accessible door opened to 90 degrees and remained open for 18 seconds. The push plate measured 47" from the ground to the center of the push plate. The door's clear width was 32¾" and the door had pull handles that did not require twisting, turning, or pinching. The interior push plate measured 47" from the ground to the center of the plate.

Upon entering the building, there was a lobby for the performing arts space/theater located there, with a ticket window, coat room, and restrooms. Classrooms were located behind and underneath the performing arts space. There was a ramp/walkway from the theater area to classrooms. Because of the length of the ramp, OCR measured the slope at five locations from the top of the ramp leading down to the doorway that led to the classroom area. At the top section of the ramp, the slope was 4.8 degrees and the cross-slope was 0.4 degrees; the slope above the resting area was 4.4 degrees and the cross-slope was 0.2 degrees. At the resting area the slope was 0.1 degrees and the cross-slope was 0.3 degrees. The slope of the section below the resting area was 4.4 degrees and the cross-slope was 0.4 degrees. The slope at the bottom of the ramp before entering the doors to the classroom area was 4.9 degrees and the cross-slope was 0.1 degrees.

The 1991 ADA Standards at Section 4.8.2 require that the least possible slope be used for any ramp and that the maximum slope of a ramp be 1:12, which equates to 4.76 degrees or 8.33%. However, the acceptable industry tolerance for use of digital measuring

devices, such as the level OCR used on this onsite, is 0.1 degrees; accordingly, the slope of this ramp is acceptable within the industry tolerances.

The dimensions of the resting area were 6'3" x 9'4". The length of the ramp from the top of the ramp to the top of the resting area was 31'6". The ramp was wider at the top than at the bottom. The width at the top was 12'6" and the width at the resting area was 9'4". This width was consistent for the remainder of the ramp. The length of the ramp from the bottom of the resting area to the bottom of the ramp was 36'2", which was consistent with the 1991 ADA Standards.

The handrails at the top of the ramp were 35" high measured from the carpet to the middle of the handrail. The handrails at the bottom of the ramp measured 33" from the carpet to the middle of the handrail. The handrails were 2" wide and 1½" from wall. At the bottom, the handrails extended 15" past the ramp end.

The 1991 ADA Standards at Section 4.8.5(5) require the top of the handrail gripping surface to be mounted between 34" and 38" above the ramp surface. The handrails on the first segment of the ramp were 33" measured to the center, not the top. Taking into consideration that the grab bar width was 2", the handrails would measure 34" to the top and therefore comply with the 1991 ADA Standards.

There was a smooth door located on the wall halfway down the ramp near the resting area. The door was flush with the wall and did not have a door handle or knob. To allow the door to open and close without obstruction, there was a break in the handrail. The door appeared to be utilized by employees and blended in with the wall. However, the extension of the handrail where there was a break to allow access to the door was only 8". Conversely, when the handrail resumed, the transition was 13".

The 1991 ADA Standards at Section 4.8.5(3) requires handrails that are not continuous to extend at least 12" beyond the top and the bottom of the ramp segment and be parallel with the floor or ground surface. In this case, the handrail leading to the door did not extend the required 12" beyond the ramp segment as required by the 1991 ADA Standards. The 2010 ADA Standards at Section 505.10.1 also require ramp handrails to extend horizontally for 12" minimum beyond the top and bottom of ramp runs.

The door at the bottom of the ramp leading to the classroom area of the building had a width of 32". The push handle measured 43⅓" from the floor to the top and 37" from the floor to the bottom. The door was held open with a magnetic door opener at the top.

The door entering one of the classrooms (Room 217) had a width of 33". The door required 5 pounds of pressure to open. The door handle was "L" shaped. During a follow-up interview, the Complainant explained that most of her classes were in the Arts Center and the University retrofitted two of the first floor classrooms with automatic door openers (push plates). She said this made it much easier for her to open the classroom doors.

On the day of the onsite, OCR found the room cluttered with chairs and tables. The tables were not affixed to the floor and were pushed flush against the rear wall with chairs placed on top of the tables. OCR staff was told that the tables are usually pulled away from the wall so students can sit behind them, making seating in the room even tighter. The knee clearance underneath the tables is 27½" measured from the floor to the bottom of the desk. The primary aisle way between the classroom tables was 38" wide. The Complainant indicated that the aisle ways in the classrooms in this building were usually cluttered with students' backpacks. There was no aisle way clutter at the time of OCR's inspection of this sample Arts Center classroom; however, class was not in session at the time. During the follow-up interview with OCR, the Complainant noted that other students would also move the tables or chairs around in her classrooms, making it difficult for her to access the seating set up for her. When this happened she typically called someone from the disability services office, who would come to the classroom and arrange the tables and chairs.

The elevator located at the Arts Center had exterior call buttons that measured 41" from the floor to the bottom button and 42½" to the top button. There were raised Braille characters on the hoistway entrance. The height of the Braille characters was 60" to the centerline above the carriage floor.

The 1991 ADA Standards at Section 4.10.3 require call buttons in elevator lobbies and halls to be centered at 42" above the floor. However, the 2010 ADA Standards at Section 407.2.1.1 require elevator call buttons and keypads to be located within one of the reach ranges specified in Section 308, measured to the centerline of the highest operable part. The 2010 ADA Standards at Section 308.2.1 require that, when a forward reach is unobstructed, the high forward reach shall be 48" maximum and the low forward reach shall be 15" minimum above the finished floor or ground. When a side reach is unobstructed, the high side reach shall be 54" maximum and the low side reach shall be 9" minimum above the floor. The 1991 ADA Standards at Section 4.10.5 require that all elevator hoistway entrances have raised and Braille floor designations provided on both jambs, with the centerline of the characters at 60". Thus, the exterior call buttons and Braille hoistway signage are in compliance with ADA Standards.

The elevator was equipped with both audio and visual indicators. The interior buttons in the elevator carriage were centered at 42" from the finished floor. The interior buttons had raised lettering and Braille and were 1" in their smallest dimension. The carriage had working internal indicator lights. The interior grab bars were 32" high measured to the top. The dimensions of the carriage were 61½" by 92". The door stayed open on arrival for 6 seconds and remained open for 2 seconds when reopened by the sensor, which worked without contact.

The 1991 ADA Standards at Section 4.10.12 require that all elevator control panel buttons be at least ¾" in their smallest dimension and be either raised or flush. All control buttons are to be designated by Braille and by raised standard alphabet or numeral characters, or other standard symbols, and Section 4.10.11 states that the level of illumination within the car shall be at least 5 foot candles. The height of the grab bars

was within both 1991 and 2010 ADA Standards regarding reach range, as described above.

The 1991 ADA Standards at Section 4.10.9 state that the floor area of elevator cars must provide sufficient space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car. For a side entrance car, the acceptable dimensions are 51" by 68". For a center entrance car, the acceptable dimensions are 51" by 80". The 1991 ADA Standards at Section 4.10.6 require that elevator doors open and close automatically, that they remain fully open for at least 3 seconds, and that door reopening devices remain effective for at least 20 seconds. The 2010 ADA Standards at 407.3.3 and 407.3.5 also require that elevator doors open and close automatically, that they remain fully open for at least 3 seconds, and that door reopening devices remain effective for at least 20 seconds. Since the elevator only remained open for 2 seconds when reopened by the sensor it is not in compliance with the ADA Standards.

- **Barnes & Noble Bookstore (formerly Canusa Hall)**

The building that now houses Barnes & Noble was constructed in 1967 and was converted from a dining hall to a bookstore in 1993. During that renovation the kitchen area was converted to storage and office space. The dining area was converted to a sales floor. Additionally, in 2010, the University installed electronic door openers and renovated the interior doors leading into the bookstore's retail area. Therefore, OCR examined the building under the alterations standard, applying the 1991 ADA Standards.

The accessible exterior entrance had an automatic door opener that was operated with push plates. The door width was 32". The height to the middle of the push plate was 43½". The exterior door handles required no turning, twisting, or pinching. The door opened to 90 degrees for 8 seconds. The pavement leading to the exterior entrance had been ground down prior to OCR's visit, but it appeared to be even, stable, and slip resistant as required by the ADA Standards. The height of the interior push plate that operated the exterior doors was 42 from the floor to the center of the plate. The door opened to 90 degrees for 8 seconds. The width nf the door was 33".

A bookstore employee explained that prior to the renovation a customer using a wheelchair could only access the lobby area outside of the bookstore's interior entrance. There is a window located in the lobby next to the interior doors and a customer using a wheelchair in the past had to ring for a bookstore employee to assist them. The customer would have to remain in the lobby while the bookstore employee would retrieve the requested items. Once the renovations were completed, the bookstore was accessible to customers using wheelchairs and this system was no longer necessary.

The 1991 ADA Standards at Section 4.13.5 require doorways to have a minimum clear opening of 32" with the door open 90 degrees. Push plates used to operate automatic doors as well as door push handles and bars must be within the stated reach ranges at Section 4.2. Both the 1991 and 2010 ADA Standards require that, when a forward reach is unobstructed, the high forward reach shall be 48" maximum and the low forward reach

shall be 15" minimum above the finished floor or ground. When a side reach is unobstructed, the high side reach shall be 54" maximum and the low side reach shall be 9" minimum above the floor. Both the 1991 ADA Standards at Section 4.13.9 and the 2010 ADA Standards at Section 309.4 require that door hardware (handles, pulls, etc.) must be easy to grasp and must not require twisting, turning, or pinching.

Based on the foregoing, OCR finds that the University corrected the compliance issues related to the book store and the accessibility concerns are now resolved.

- **Crawford Hall**

Crawford Hall was originally constructed in 1964. It underwent a renovation in 1974. In 2000, a 54,000-square-foot addition was added. The University advised that the majority of the building was renovated during that time, which included new classrooms, a laboratory, and office space. Because the modifications affected the usability of the facility, they constitute alterations and are subject to the 1991 ADA Standards.

The Complainant alleged that the main classrooms in Crawford Hall were not accessible due to the spacing between the stationary tables, steps (risers) preventing students with mobility impairments from accessing the seating areas, and cluttered aisles. The Complainant also alleged that there was no accessible escape route from the Crawford Hall basement during power outages.

OCR staff examined a sample classroom (Room 108). The clear width of the classroom door measured 33". The classroom door had an easy to use lever handle, which was 40" high when measured from the floor. The door required 6 pounds of pressure to open.

The 1991 ADA Standards at Section 4.13.5 require doorways to have a minimum clear opening of 32" with the door open 90 degrees. The door handles must be within appropriate reach ranges as stated at Section 4.2. If the clear floor space only allows forward approach, the minimum and maximum forward reach ranges are 15" and 48", as mentioned above. If the clear floor space allows parallel approach by a person using a wheelchair, the minimum and maximum side reach ranges are 9" and 54", also as mentioned above. The clear width of the classroom door and the height and type of the handle for Room 108 were in compliance with these requirements. The 1991 ADA Standards at 4.13.11 require maximum force for pushing or pulling open a door be 5 pounds of pressure for interior hinged doors. The 2010 ADA Standards include the same requirement at Section 404.2.9. Accordingly, the door's opening force exceeded the maximum.

There were moveable tables and chairs in Classroom 108. The table closest to the door included one seat located at the end of the table that was marked as being accessible. There was a 28¾" knee clearance at the work table with the designated accessible seat. The table top was 29½" high. There was also a clearance of 29½" between rows of works tables in the classroom. During OCR's onsite visit, it was noted that there was a moveable garbage can blocking the route to the accessible seating.

The 1991 ADA Standards at Section 4.32.3 require knee clearance for fixed or built-in seating to be at least 27" high, while Section 4.2.1 states that the minimum clear width for single wheelchair passage is 32".

Based on the foregoing, OCR finds that the passageway between the fixed seating is too narrow under the 1991 ADA Standards. Pursuant to the 2010 ADA Standards Section 802.1.2, the single passage width should be 36" wide. In addition, the garbage can blocked the route.

OCR also examined a sample lab classroom in Crawford Hall. The lab had a door had an easy to use lever handle. The handle was 44¼" high as measured from the floor to the door lever. Operation of the door required 7 pounds of pressure to open. The lab included several work tables with moveable chairs, a number of shelving and other storage units, and sinks. The work table OCR measured in this lab was not fixed and had a knee clearance of 32¾" underneath. The height of the top of the table was 33½". The routes throughout the classroom provided adequate maneuverable space and were free of barriers.

The 1991 ADA Standards at 4.13.11 require that the maximum force for pushing or pulling open interior hinged doors be 5 pounds of pressure. The 2010 ADA Standards include the same requirement at Section 404.2.9. Accordingly, the door's opening force exceeded the maximum allowed. OCR measured a sink in the back of the lab. The sink top was 33" high. The sink handles required a 20" reach past the start of the sink top. The towel dispenser was 59" from the floor (and 26" from the sink top).

The 1991 ADA Standards at Section 4.24 require sink tops to be no higher than 34". The sink handles must be within the stated reach ranges at Section 4.2. Because Section 4.24.5 states that a clear floor space of at least 30" by 48" must be kept in front of sinks to allow forward approach, the provisions in Section 4.2.5 regarding a high forward reach over an obstruction apply, so that such a reach may not exceed 44". The towel dispenser must also be within the appropriate reach range at Section 4.2, which states that the high forward reach shall be 48" maximum and the high side reach shall be 54" maximum. This is the same requirement under the 2010 ADA Standards. Based on the foregoing, the towel dispenser is too high and must be lowered to a height no higher than 48".

The Complainant also alleged that at Crawford Hall there is no accessible escape route from the basement when there is a loss of power, leaving persons with mobility impairments trapped in the basement. The University advised OCR that persons with mobility impairments should be able to leave the basement via the elevator when there is a loss of power. University staff explained that there is a backup generator, which is triggered when there is a loss of power. The University acknowledged that, on one occasion (b)(6),(b)(7)(C) due to a loss of power, the generator did not come on and an electrician had to be called to manually switch the power to the generator and bypass the system. However, the University indicated that normally does not happen. Additionally, the University's public safety officers make a

sweep of all buildings and officers would provide assistance to any person requiring assistance. OCR's investigation did not uncover any additional incidents of the backup generator malfunctioning.

As explained above, isolated or temporary interruptions in service or access due to maintenance or repairs of accessible features/equipment are not prohibited. The evidence obtained by OCR showed only one instance where the elevator in Crawford Hall did not function during a power outage and on that occasion the University had it promptly fixed.

- **Shouldice Library**

Shouldice Library was originally constructed in 1971. In 1996, the University added a 35,976-square-foot addition to the building, including a new entranceway, a gallery, audio/visual center, additional classrooms, offices, and student services space. The original portions of the building are existing construction, and the 1996 addition is an alteration subject to the 1991 ADA Standards. In addition, the 1991 ADA Standards at Section 4.1.6(2) state that an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope.

The library is located in the front of the building near the main entrance, which was constructed in 1996 as part of the library expansion. There is a gallery in the interior of the main entrance and an auditorium. Both are part of the new addition. Additionally, based on a review of drawings, most of the newer areas of the building are on the third level. The classroom that is the subject of this complaint, along with the majority of the classroom space, is located at the rear of the building, behind the library, and is part of the existing construction. The classroom area can be reached from the main entrance, although there are other entrances into the building that are closer to the rear classrooms. The front entrance is the only entrance with automatic doors that are operated by push plates.

The automatic doors are located to the right and left of the main entrance to the building. Both of the doors were single leaf. The one door operated with a push plate, the other door operated with a push button. Each door opened to 90 degrees when the push plate was pressed. The doors remained open for 15 seconds. The height of the external push plate and the push button measured 37" from the ground to the center of the plate. Each door's clear width measured 33 ½". The exterior door handle on both doors was a long grasp handle, which required no twisting, turning, or pinching. The exterior doors opened to a vestibule with automatic interior doors that operated with a push plate. The interior doors opened with a push bar and required less than 5 pounds of force to open. The measurement from the floor to the bottom of the push bar was 37½" and to the top of the push bar was 39½". The internal push plate measured 37½" to the center of the plate and required 2 pounds of pressure to operate.

There was an interior hallway that led to the classroom area of the building behind the library area. The door leading to this area was held open by a magnetic door opener. The width of the doorway measured 33½". There was a push bar handle located 39" from the floor to the bottom of the bar, measuring at 41½" to the top of the bar. When OCR conducted its onsite visit, the door could not be shut due to the magnetic door opener. The other side of the door had an "L"-shaped handle.

Based on the ADA standards outlined above, OCR found no compliance issues related to the accessible entrance or the interior doors leading to the classroom area.

OCR inspected the designated accessible route from the main entrance of Shouldice Library to the rear of the building. There are exterior exits in the hallway and stairs leading to the upper floors. There is also a set of double doors in the hallway that seem to mark the new addition to building to the original part of the building. The first set of hallway doors were propped open with a wooden door wedge at the time of OCR's onsite visit. After removing the wedge, the door required 10 pounds of pressure to open and had a push bar on one side. The other side of the door had an "L" shape handle that had to be turned 90 degrees to open the door. The door's clear width measured 32½". The measurement from the floor to the bottom of the handle was
38 ¾" and to the top was 41".

The 1991 ADA Standards at 4.13.11 require maximum force for pushing or pulling open a door be 5 pounds of pressure for interior hinged doors. The 2010 ADA Standards include the same requirement. Accordingly, the door's opening force exceeds the maximum allowed. Likewise, the 1991 ADA Standards at 4.13.9 require handles, pulls, latches, locks and other operating devices on accessible doors to have a have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. The 2010 ADA Standards at Section 309.4 include the same requirement. In this case, while the door handle is easy to grasp, it requires twisting of the wrist to operate, which does not comply with the ADA Standards.
The second set of doors in the hallway leading to the original part of the building were held open by a magnetic door opener that closed when triggered by the fire alarm. This doorway was 38 ½" wide and had a push bar handle on one side that measured 38 ½" from the floor to the bottom of the bar and 41" to the top. OCR was unable to close the door to measure the other side. This door also had an "L"-shaped handle.

After proceeding through the double set of hallway doors, OCR entered the original part of the building, which had multiple floors, classrooms, offices, and a coffee shop. The classroom at issue in the complaint is a small auditorium-style classroom at the rear of the building. The doors entering the auditorium required 10 pounds of pressure to open. The handles consisted of a push bar on one side and a pinch latch on the other side. The height of the door handle measured 39" from the floor to the bottom of the handle and 41" to the top of the handle. The width of the doorway is 33".

The 1991 ADA Standards at 4.13.11 require that the maximum force for pushing or pulling open an interior hinged door be 5 pounds of pressure. The 2010 ADA Standards include the same requirement. Accordingly, the door's opening force exceeds the maximum allowed. The 1991 ADA Standards at 4.13.9 require handles, pulls, latches, locks, and other operating devices on accessible doors to have a have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. The 2010 ADA Standards include a similar requirement. The door to the auditorium/classroom had a handle on one side of the door that was a pinch latch that required tight pinching, which does not comply with the ADA Standards. Thus, program accessibility was not being provided in this facility due to the lack of accessible entrance.

The classroom floor was level at the rear of the room near the doors, but sloped forward toward the front of the classroom. The majority of the seating was fixed auditorium-style seats with pocket tables that open over individuals' laps. There was designated accessible seating in the rear of the classroom in the level area. This seating consisted of a table that had been moved into the classroom and was not fixed. The height of the table measured at 26 ½". There were approximately 90 to 100 seats in the classroom and the designated accessible seating could accommodate 2 individuals using wheelchairs. There was no clutter in the aisles at the time of OCR's inspection; however, the classroom was not in use.

The 1991 ADA Standards at 4.32.4 apply to fixed seating and tables and require the height of fixed tables to be from 28" to 34". The 2010 ADA Standards at 902.3, which apply to the height of work surfaces such as study carrels, contain the same requirement. In this case, while the designated accessible table was not fixed, it was too low for a person using a wheelchair to use it.

The elevator in the Shouldice Library building was located in the rear corner of the coffee shop. The coffee shop appears to serve beverages and prepackaged food that may require use of a microwave to heat up. The service area where an employee (cashier) would stand or sit is small and part of the single large room. There are tables and chairs for guests located throughout the room and a small counter and cash register for employees to serve food and for customers to pay. To access the elevator, an individual would have to go to the back of the room, where the elevator is located next to the counter and refrigerator utilized by the coffee shop staff. This is not an area reserved only for employees but employees would have to access this area to get items out of the refrigerator.

On the date of the onsite, there was ample space (wider than 36") between the (movcable) tables and chairs to allow for an individual using a wheelchair to get to the elevator. There was also space between the tables and the wall that exceeded 36". Next to the elevator door, as mentioned above, there was a small refrigerator close to the exterior call buttons, which interfered with the forward and side reach to access them. The exterior hall call buttons were located 53½" from the floor to the middle of the highest call button. These exterior buttons were 1" squared and raised. The buttons illuminated. There was

an audible sound when the car arrived, and that sound varied when the elevator was going up or down. There were raised Braille characters on the hoistway entrance that were 60" from the floor to the centerline.

The 1991 ADA Standards at 4.2.5 require that, if the clear floor space only allows a forward approach, the maximum high forward reach shall be 48". The 1991 ADA Standards at 4.2.6 require that, if the clear floor space allows for a parallel approach, the maximum high side reach shall be 54". The 2010 ADA Standards at Section 407.2.1.1 require elevator call buttons and keypads to be located within one of the reach ranges specified in Section 308, measured to the centerline of the highest operable part. The 2010 ADA Standards at Section 308.2.1 require that, when a forward reach is unobstructed, the high forward reach shall be a maximum of 48", and when a side reach is unobstructed, the high side reach shall be a maximum of 54". While the height of the call buttons do not comply with the maximum forward reach, the call buttons can be accessed for a side reach and are lower than the maximum 54". Here, however, there is not adequate clear floor space to allow a forward reach or a side reach because the call buttons are blocked by the refrigerator. Therefore, due to the placement of the refrigerator, the hall call buttons are not accessible. Moreover, the 1991 ADA Standard at 4.10.3 requires call buttons in elevator halls to be centered at 42" above the floor. These hall buttons are too high and do not comply with the 1991 ADA Standards. They would meet the 2010 ADA Standards if the University provided a side reach.

The internal carriage control buttons were 35" from the finished floor to the bottom row of the buttons and 43" to the top. The door remained open for 8 seconds at all floors. There was a 1½" gap between the hall floor and the entrance to the carriage. The door had a sensor that quickly reopened the door when activated between 5" and 29". The carriage door was 43¾" wide. The interior of the carriage was 61¼" by 79½". There was no audible sound in the carriage at the arrival of the carriage to the desired floor. The internal call buttons measured 35" from the floor to the bottom row of the buttons and 43" to the top row of buttons. There was an emergency call button on the side wall which measured 28½" from the floor. The grab bars were 37" from the floor to the bottom of the rail and 39" from the floor to the top of the rail. The circumference of the grab bars was 1½". There was an internal directional lantern with "up" and "down" arrows that were 74" to center and illuminated.

The 1991 ADA Standards at 4.10.13 require that as the elevator car passes or stops at a floor served by the elevator an audible signal shall sound that is no less than 20 decibels with a frequency no higher than 1500 Hz. The 2010 ADA Standards at 407.4.8.2.1 require an automatic verbal annunciator which announces the floor at which the car is about to stop, but allow an exception for elevators other than destination-oriented elevators that have a rated speed of 200 feet per minute (1 m/s) or less – under the exception, a non-verbal audible signal with a frequency of 1500 Hz maximum which sounds as the car passes or is about to stop at a floor served by the elevator is permitted. In this case, there was no audible sound as the elevator passed or stopped at a floor it serves. This was not in compliance with the applicable 1991 ADA Standards.

- **University Parking Areas**

During its onsite and examination of the University's parking lots, OCR observed that all of the University's parking lots, except for a portion of Lot S that serves Neveu Hall, appeared to have been recently altered, such as having restriping done. University staff confirmed that the University's parking lots are regularly striped and marked. As explained above, improvements to parking lots, such as restriping and repaving, are alterations and are therefore subject to new construction standards to the maximum extent feasible. As such, OCR applied the 1991 ADA Standards to the parking lots.

- 1991 ADA Standards – Requirements for Parking

The 1991 ADA Standards at 4.1.2(5)(a) and (b) require that, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformity with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured.

Total Parking Spaces in Lot	**Required Minimum Number of Accessible Spaces**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

The 1991 ADA Standards at 4.6.3 require that accessible parking spaces be at least 96" wide. Accessible parking spaces must include a 60"-wide access aisle. However, one in every eight accessible spaces, but not less than one in a lot, shall be served by an access aisle that is a minimum of 96" wide and shall be designated "van accessible." All such spaces may be grouped on one level of a parking structure.

Under the 1991 ADA Standards at 4.6.2, accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

An essential consideration for any design is having the access aisle level with the parking space. Since a person with a disability, using a lift or ramp, must maneuver within the access aisle, the aisle cannot include a ramp or sloped area. The access aisle must be connected to an accessible route to the appropriate accessible entrance of a building or facility. The parking access aisle must either blend with the accessible route or have a curb ramp. Such a curb ramp opening must be located within the access aisle boundaries, not within the parking space boundaries. Unfortunately, many facilities are designed with a ramp that is blocked when any vehicle parks in the accessible space. Also, the required dimensions of the access aisle cannot be restricted by planters, curbs or wheel stops. 1991 ADA Standards, Section A4.6.3.

The 1991 ADA Standards at 4.6.4 require that accessible parking spaces be designated as reserved by a sign showing the symbol of accessibility. Spaces designated as van accessible shall have an additional "Van-Accessible" sign mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. The 1991 ADA Standards at A4.6.4 add that signs designating parking places for persons with disabilities can be seen from a driver's seat if the signs are mounted high enough above the ground and located at the front of a parking space.

The 1991 ADA Standards at 4.6.5 require that a minimum vertical clearance of 114" must be provided at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrances and exits. For van designated spaces, there must be a minimum vertical clearance of 98" at the parking space and along at least one vehicle access route to such spaces from site entrances and exits.

- Summary of Evidence Regarding University Parking Lots

University Parking Lot Key	
Lot A	Commuter/Faculty-Staff
Lot B	Commuter/Faculty-Staff
Lot C	Osborn and Village Residents
Lot D	Visitor Parking
Lot E	Senior Commuter/Faculty-Staff
Lot F	University Row Residents and Staff
Lot G	Easterday and Ryan House Residents
Lot H	Brady Hall Residents
Lot J	Faculty-Staff
Lot K	Parking as designated for Barnes & Noble, Faculty-Staff, and Visitors
Lot L	Osborn and Village Residents

Lot M	Motor Pool
Lot N	Commuter Parking
Lot O	Osbom and Village Residents' Day Use: No Overnight Parking
Lot S	Moloney and Neveu Hall Residents
Lot T	Townhouse Residents
Lot X	30-Minute Parking

Parking Lot A had 231 regular parking spaces and seven designated accessible parking spaces to serve the Norris Physical Education Center and the Athletic Center. There were only three signs to identify the seven accessible spaces and no van signage. There were no demarcated aeeess aisles. Each space had a 1.5 degree slope. The designated accessible spaces were the closest spaces to the accessible route and were also adjacent to the curb cut. The accessible spaces measured 125", 140", 138", 138", 140", 140", and 139" in width. The staff person interviewed at this lot stated that temporary signs are placed by the non-signed spaces after the winter and he had not yet gotten around to replacing the signs prior to OCR's June site visit. Additionally, the designated route to Norris was made of concrete that was cracked, broken, and uneven.

Parking Lot A does not comply with the 1991 ADA Standards listed above as there are no access aisles, no van spaces (a lot of this size requires at least one), and inadequate signage. In addition, the slope of the parking area exceeded a ratio of 1:50 (2% or 1.15 degrees). Also, the route to the building the lot serves was not accessible due to the condition of the concrete. This lot would also not comply with the requirements under the 2010 ADA Standards at Sections 208 and 502, which are the same in many of the relevant areas as the 1991 ADA Standards explained above, although the 2010 ADA Standards are clearer about the requirement for acccss aisles to be marked; allow van spaces to either be 96" wide with a 96" wide access aisle, or 132" wide with a 60" access aisle; allow slopes up to 1:48 (2.07% or 1.19 degrees); and require 1 in 6 accessible spaces be van spaces.

Parking Lot B had 209 regular parking spaces, 12 timed spaces, 2 dumpster spaces, and 7 designated accessible parking spaces to serve the Athletic Center. There were only three signs to identify the seven accessible spaces. There were no demarcated access aisles and no van signage. Each of the seven accessible spaces measured at 1.5 degree slope. The spaces were the closest spaces to the accessible route and were also adjacent to the curb cut. The spaces measured 137", 141", 138", 138", 140", 139", and 144".

Parking Lot B does not comply with the 1991 ADA Standards listed above as there were no access aisles, no van spaces (a lot this size requires one van space), and the slope of the parking area exceeds a ratio of 1:50 (2% or 1.15 degrees). It would also not comply with the 2010 ADA Standards, as described above.

Parking Lot C is the overflow parking for the Athletic Center and parking for nearby tennis courts. There were 156 regular parking spaces and three designated accessible parking spaces. There was appropriate signage for the three designated spaces, but no

van-accessible signage. Each of the three accessible spaces measured at a 0.8 degree slope. One space was adjacent to a curb but none were close to an accessible route. The spaces measured 115", 92", and 92". The two shared access aisles measured 63" and 67".

Parking Lot C does not comply with the 1991 ADA Standards listed above as the lot lacks three additional, required accessible spaces, one of which must be a van space. Also, two of the three existing spaces do not meet the standards for width. The existing access aisles, while wide enough for accessible spaces, would not be wide enough for a van-designated space.

Additionally, the spaces are not in close proximity to an accessible route. Parking Lot C would not comply with the 2010 ADA Standards either for the same reasons. In addition to the 2010 ADA Standards parking requirements explained above, the 2010 ADA Standards at 502.3 require that access aisles adjoin an accessible route.

Parking Lot D is the visitor lot used to access the Administration Building, Fletcher, and Cisler. The lot had 44 regular parking spaces, five timed spaces, three designated accessible spaces, and one reserved space. The designated accessible parking space closest to the Administration Building had adequate ground marking with clear van signage posted. This parking space measured 160" inches in width. There was no demarcated access aisle. Additionally, the slope measured 1.4°. The space was also not on the closest accessible route to the Administration Building. The designated accessible parking space closest to the Fletcher Center had appropriate signage posted and measured 152" in width. There was no demarcated access aisle and a 0.6 degree slope. There was no adjacent curb cut. In order to get from the designated space to the building entrance, a person would have to travel through the parking lot.

The designated accessible parking space closest to Cisler had no signage and was 180" wide. There was no demarcated access aisle and the space had a 0.8 degree slope. The adjacent curb cut was made of concrete that was in poor condition, with various cracks and areas that were not level.

Parking Lot D fails to comply with the 1991 ADA Standards. The designated accessible spaces do not have access aisles (although the space serving Cisler was wide enough to fit both a space and access aisle if repainted). The space serving the Administration Building was marked as a van space although it was not wide enough for a van space and access aisle, and the space was not located on the closest accessible route to the accessible entrance to the Administration Building. In addition that space's slope was too high. The route from the space serving Fletcher was through the parking lot. The space serving Cisler did not have appropriate signage and was near a curb cut that was in poor condition, with various cracks and areas that are not stable and firm. Accordingly, this lot would not comply with the 2010 ADA Standards for the same reasons.

Parking Lot E had 216 regular parking spaces and a total of six designated accessible parking spaces, three for the rear of Cisler and three for CASET. The Cisler spaces had appropriate signage but none of the spaces were marked as van-accessible. The spaces

each measured 103" in width and had slopes of 1.2 degrees. One of the spaces had its own access aisle and the other two spaces shared an access aisle. The access aisles measured 49" and 67" in width. There were no adjacent curb cuts and the spaces were not close to an accessible route. The CASET spaces included one space by itself that had a non-van sign, was 104" wide, had an access aisle that was 68" wide, and a slope of 3 degrees. This space was on an accessible route. The other two designated accessible spaces serving CASET each had appropriate signage, neither of which were a van sign. The spaces measured 108" and 107" in width, with a shared access aisle measuring 68" in width. These spaces had a 1.7 degree slope. These spaces were closest to the accessible route to the building and also adjacent to the curb cut.

Parking Lot E fails to meet the 1991 ADA Standards. A lot of this size is required to include seven accessible spaces, including at least one van space, and this lot has only six designated accessible spaces and no van space. The spaces serving Cisler were not located close to accessible routes and there were no adjacent curb cuts. One of the access aisles serving the accessible spaces near Cisler was too narrow. The slope of the parking area exceeds a ratio of 1:50 (2% or 1.15 degrees). However, the acceptable industry tolerance for use of digital measuring devices, such as the level used on this onsite, is .1%. In addition, the 2010 ADA Standards allow a slope of up to 1:48 (2.07" or 1.19 degrees). Accordingly, although the slope of the spaces near Cisler was measured as being too steep, the measurement was within the industry tolerance, and only the spaces serving CASET will require correction of slope. The lot would otherwise also not comply with the 2010 ADA Standards.

Parking Lot G serves some of the University's residence halls. There were 17 regular parking spaces and one designated accessible space. As explained above, currently none of the University's student housing is accessible. The designated accessible space had signage, but it did not indicate the space as being van-accessible. The space was 113" wide, there was no demarcated access aisle, the slope was 2.2 degrees, there was no adjacent curb cut, and any route to the residences would require traversing grass. This space is closest to Easterday House.

Lot G fails to meet the 1991 ADA Standards as there is no van space and no marked access aisle, and the space is not wide enough for the required space and access aisle even if repainted. Additionally, there is no accessible route from the parking area to the residence halls and no adjacent curb cuts. Finally, the slope is too high. The lot would also not comply with the 2010 ADA Standards for the same reasons.

Parking Lot J is located in the back of the Shouldice Library Building and had 143 faculty and staff spaces and six designated accessible parking spaces. The designated spaces each had visible signage; however, all of the spaces were marked as van accessible. The width of the spaces measured 77", 91", 92", 77", 91", and 92" in width. The spaces had slopes of 1.5 degrees. There were four shared access aisles measuring 90", 67", 90", and 67" in width. These spaces were closest to the building but were not adjacent to an accessible route or curb cut. The route required travel through part of the parking lot where there could be traffic.

Lot J fails to meet the 1991 ADA Standards as none of the spaces are 96" wide and none of the access aisles are wide enough for a van-designated space, although all are marked as van-accessible and a lot of this size is required to include at least one van space. Additionally, the spaces were not adjacent to an accessible route or curb cuts. The accessible route required travel through the parking lot. The slope of the designated accessible spaces was too high. The lot would not comply with the 2010 ADA Standards for the same reasons.

Parking Lot K is used for access to the Arts Center and Barnes & Noble Bookstore. There were 102 regular spaces and seven designated accessible spaces (spaces a-g) by the Arts Center and one designated accessible space by the bookstore. Each of the spaces had appropriate signage and spaces a and g were marked as van accessible. Space a measured 88" in width; space b measured 102" in width; space c measured 100" in width; space d measured 99" in width; space e measured 99" in width; space f measured 100" in width; and space g measured 102" in width. The access aisle used by space a was 102" wide. The access aisle to the one side of space g was 80" wide. There were four other, shared access aisles, each measuring 67" in width. Spaces a-g had slopes of 1.5 degrees. The designated accessible parking space for the bookstore had clear signage and measured 89" in width. The access aisle for that space measured 116" in width inches and had a 0.8 degree slope. Although it was the closest space to the bookstore, the space was not adjacent to an accessible route to the bookstore or a curb cut.

Lot K fails to meet the 1991 ADA Standards. Space a was not 96" wide and the access aisle that served space g was not 96" wide although space g is marked as van-accessible. Spaces a-g had slopes that were too high. The single space serving the bookstore also was not 96" wide the space was not adjacent to an accessible route to the bookstore or a curb cut. Lot K would also not comply with the 2010 ADA Standards for the same reasons.

Parking Lot L had 150 regular spaces and one accessible parking space to serve the Health CARE Center. The University indicated that there was also one reserved space in this lot. The designated accessible space measured 136" in width and had an access aisle marked only with a blue stripe on two sides (no cross stripes inside) that was 94" wide. The space had a 3.2 degree slope. It was the closest space to the accessible route and was also adjacent to a curb cut. The space was marked as van accessible.

Parking Lot L fails to meet the 1991 ADA Standards because the parking lot only has one accessible space for a lot with 151 spaces, for which a total of six accessible spaces, including at least one van designated space, are required. The existing designated space requires further marking of its access aisle. The space's slope is also too high. Although the space and aisle would require repainting under the 1991 ADA Standards to provide for a 96" wide access aisle, the widths of the space and the access aisle are sufficient for this to be a van accessible space under the 2010 ADA Standards.

Parking Lot O serves Student Village and the back of Osborn Hall. There were 25 timed spaces, two reserved spaces, and four designated accessible spaces for Student Village (spaces a, b, and c). Only two of the four spaces were completely lined, although all four had signs, and none of the signs indicated any of the spaces to be van accessible. The lined spaces each measured 138" in width. The area encompassed by the other two signs was 264" wide. There were no designated access aisles and there was a 0.2 degree slope. There is one adjacent curb cut for the completely unlined space. The designated accessible spaces were the closest spaces in the lot to the route to Student Village.

Parking Lot O fails to meet the 1991 ADA Standards because the designated accessible spaces have no access aisles, and two of the spaces themselves are not marked. There is no van space, although at least one is required for a lot of this size. Not all of the accessible spaces are adjacent to a curb ramp to the accessible route. This lot would not comply with the 2010 ADA Standards for the same reasons.

Parking Lot S is used for Neveu Hall and Moloney Hall. There were 72 regular spaces and two designated accessible parking spaces, one for each hall. The University contends that there are four accessible spaces in this lot, but OCR's onsite did not confirm that contention. The Neveu space had appropriate signage, was 187" wide, had a slope of 0.7 degrees, and had no designated access aisle; however, the unmarked parking space next to the designated space was marked "no parking". The designated space was the closest space to the accessible route and adjacent to a curb cut. The Moloney space had appropriate signage, and was marked as van accessible. It measured 187" in width, had a 0.7 degree slope, and had no designated access aisle. However, the unmarked parking space next to the designated space was marked "no parking." The designated accessible space was the closest space to the building but was not adjacent to a curb cut or an accessible route.

Parking Lot S fails to meet the 1991 ADA Standards. A lot of this size is required to have three accessible spaces, and Lot S has only two. In addition, the existing spaces do not have access aisles, and the Moloney space is marked as van accessible although it does not meet the requirements for a van space. Additionally, the parking space closest to Moloney lacks access to a curb cut and accessible route. This lot would not comply with the 2010 ADA Standards for the same reasons.

Lot X is designated by the University as 30-minute parking and is located next to South Hall, which has been closed since 2005. This lot has seven regular parking spaces and two designated accessible spaces, one on the right facing the building and one on the left facing the building. The University contends that there is one van designated space, but OCR's onsite did not confirm that contention. The space on the right facing the building had appropriate signage but was not marked as a van space. The space was 198" wide. It did not have a demarcated access aisle. The space had a 2.6 degree slope. The space was on the closest route to the accessible entrance to Shouldice Library with an adjacent curb cut, but was not closest to the accessible route to the Business and Economics building. The space on the left facing the building had appropriate accessible signage but was not marked as a van space. The space was 94" wide and had an access aisle that was 98"

wide. The space had a 0.2 degree slope. It was not adjacent to any curb cut and was located near the closest accessible entrance but the route was on the vehicular drive.

Parking Lot X fails to meet the 1991 ADA Standards. The designated accessible space located to the left was not painted correctly, although it had enough space to be repainted as a van space and access aisle. In addition, the sign for that space should then be marked van accessible. That space was not adjacent to a curb cut and there was no safe accessible route to the nearest accessible entrance except to travel in the roadway. The space located on the right did not have an access aisle and the slope was too high. This lot would not comply with the 2010 ADA Standards for the same reasons.

Lots F, H, M, N, and T all fail to comply with the 1991 ADA Standards as they have no designated accessible parking spaces. The information obtained from the University did not include details about the lots such as the total number of parking spaces at each. The University indicates that these lots include student residence, commuter, and "motor pool" parking. (The University's website indicated that the motor pool includes a number of cars, vans, and trucks, and a bus, which are available for employees to check out and rent for certain University business purposes.)

- **Alleged Failure to Reserve Designated Accessible Parking Spaces for Persons with Disabilities**

The Complainant alleged that the University allows patrons and others to block or park vehicles in spaces designated as accessible for persons with disabilities even though their cars do not have disability placards permitting them to do so and that, as a result, persons with disability placards cannot park in accessible spaces. She pointed to Lot J near the Shouldice Library as a specific example. The Complainant also alleged that there were several instances when delivery trucks and passenger vehicles were parked so that they blocked curb cuts leading from Lot J to the accessible route to Shouldice Library. The Complainant could not provide any other specific examples of this occurring. The Complainant's parents state that they typically drove the Complainant to the University and could not provide any specific examples.

The University's Director of Human Resources stated she worked with the Disability Services Coordinator to help respond to the Complainant's concerns. She said the Complainant reported that there were not enough available accessible parking spaces in the University's lots. The Director said she had contacted the physical plant and was assured that there were a sufficient number of spaces in each lot. She then received another complaint from the Complainant related to vehicles blocking curb cuts for accessible crosswalks. She indicated that she worked with the Director of Public Safety to rectify the problem.

The Disability Services Coordinator said that the Complainant reported that in an area near a particular crosswalk by the Shouldice Library several vehicles, including delivery trucks and cars dropping off students, parked in the crosswalk and blocked access to the curb cut. When the Complainant made the University aware of the problem, the

University painted the area yellow, extending the paint out 6 feet for better recognition. This did not stop people from parking in the crosswalk. Then the University contacted each of its vendors that made deliveries on campus, and instructed them to stop blocking the curb cut when making deliveries. The Coordinator indicated that several times she personally has asked delivery personnel not to park in the crosswalk. The University also put up signs. Despite these actions, some individuals still parked in the crosswalk. Then the University put up "No Stopping" signs and indicated it would issue a $100 ticket to anyone parking in the crosswalk. The Coordinator stated that this last action seemed to work and no one parked in the crosswalk after that. The University's public safety officers then made a point of arriving in that area 10 minutes prior to the Complainant's arrival at the building to ensure the crosswalk was kept clear. During the follow-up interview, the Complainant confirmed to OCR that this situation had been resolved by the University's action.

Although the University acknowledged there had been an issue with individuals parking in the crosswalk and in front of the curb cut, he University did not find that there were vehicles that were not approved to park in accessible spots parking in such spaces. Based on the Complainant's reports, the Director of Public Safety ordered her officers to begin additional patrolling of the area and ticketing people who parked in front of these curb cuts. The officers also began keeping a log of the routine checks of the area as of October 18, 2010. During OCR's onsite, no one was observed to be parking in accessible parking spaces. Accordingly, OCR found that the University resolved this issue of vehicles blocking curb cuts in Lot J near Shouldice Library by having the facilities department put yellow striping in front of the curb cuts and adding better signage.

Regarding unauthorized vehicles parking in accessible parking, OCR found that there was insufficient evidence to conclude this was occurring as alleged. The University's public safety officers canvassed parking lots used by the Complainant to ensure no one was illegally parking in accessible spaces and did not find anyone parking there. OCR did not notice any unauthorized vehicles in accessible parking spaces during its onsite.

- **Alleged Blocking of Push Plates for Automatic Entrances**

The Complainant alleged that the push plates allowing accessible entrance to University buildings are either blocked by wastebaskets, newspaper stands, inoperable, or turned off by building maintenance to prevent leaves from entering into building lobbies.

The University's Director of Human Resources told OCR that the Complainant had reported that garbage cans were blocking push plates to automated doors. Upon receiving the report, the director contacted the physical plant and the cans were moved. During OCR's onsite visit, all push plates were in working condition and unobstructed, with the exception of the one interior push plate in Cisler that is obstructed by an affixed sign identifying the Information Desk.

- **Alleged Cracked and Uneven Pavement Along Accessible Routes; Alleged Bump in Crosswalk in Front of the Arts Center**

The Complainant alleged that, at various locations throughout the campus, the pavement along the accessible routes is cracked and uneven. The Complainant was given an opportunity to identify specific routes where there are problems. During OCR's onsite, she showed OCR routes where the pavement was cracked and uneven. However, the routes were wide enough that she was able to maneuver her wheelchair around the problem areas. During the onsite visit, OCR examined the accessible routes to all the buildings it examined. OCR noted that the designated route to Norris is made of concrete, which was cracked, crumbled and uneven. Additionally, with respect to the accessible route to Cisler, the cement walkway closest to the designated accessible parking was also broken and uneven. OCR also noted that the accessible route to Fletcher had concrete areas that were crumbling and uneven. In addition, the route in front of the bookstore was cracked and uneven but the pavement was ground down, and while higher in some places that others (uneven), it was smooth.

The Complainant also alleged that there was a bump that was approximately four inches high at the curb ramp at the end crosswalk directly in front of the Arts Center. During its onsite visit, OCR noted that there had been a steep slope in the curb ramp leading from the crosswalk (pavement) to the sidewalk (concrete) but that the slope had been leveled out with asphalt. However, the asphalt had crumbled away at the edges of the curb ramp, revealing the original slope. The Complainant indicated that the University repaired the "bump" after her OCR complaint but prior to OCR's arrival for the onsite. As of the time of the onsite, there was a level area of sufficient width for the route to be accessible.

Conclusion and Resolution

Based on the above, OCR finds that the University resolved some accessibility compliance issues, such as leveling out the crosswalk in front of the Arts Center, and there is insufficient evidence to support some of the Complainant's specific accessibility allegations, such as that there was a rise at the threshold of one of the auditorium-style classrooms in Shouldice Library. However, the University is not in compliance with respect to accessibility in several areas. The University acknowledged that all of its campus housing and various housing programs are inaccessible to persons who use wheelchairs. Therefore, the University is not providing students with disabilities comparable, convenient, and accessible housing at the same cost as to others, in sufficient quantity and variety so that the scope of students' choice of living accommodations is, as a whole, comparable to that of students without disabilities, in violation of 34 C.F.R. § 104.45. In addition, the University is not providing persons with disabilities access to the programs located in the housing and other inaccessible facilities, including through the failure to provide sufficient accessible support elements such as entrances, restrooms, and parking, in violation of 34 C.F.R.§ 104.22 and 28 C.F.R. § 35.150. The University also is not in compliance with the applicable design standards in a number of new and altered facilities, in violation of 34 C.F.R. § 104.23 and 28 C.F.R. § 35.151.

OCR also finds that the allegation that the University allows patrons and others to block accessible routes with their vehicles was resolved by actions taken by the University, and

that there is insufficient evidence to conclude that the University allows individuals without disability placards to park vehicles in spaces designated as accessible. Finally, OCR finds that there is insufficient evidence to conclude that the University violated Section 504 or Title II with regard to the allegation that at Crawford Hall there is no accessible escape route from the basement when there is a loss of power. The evidence obtained by OCR indicated that there was just one instance when the elevator in Crawford Hall did not function during a power outage and that the University had it promptly fixed.

Based on the information above, OCR concluded that the University was not meeting the requirements of the Section 504 and Title II regulations in several respects as outlined above. However, on December 18, 2013, the University signed the enclosed resolution agreement, which, once implemented, will fully address OCR's findings in accordance with Section 504 and Title II. The resolution agreement requires the University to: modify its facilities and parking; provide for accessible on-campus housing; and provide for program accessibility for its existing facilities in compliance with the 2010 ADA Standards.

This concludes OCR's investigation of the complaint and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those address in this letter. OCR will monitor the University's implementation of the agreement. Should the University fail to fully implement the agreement, OCR will take appropriate action to ensure the University's full compliance with Section 504 and Title II.

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.

Please be advised that the University 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 harmed individual may file a 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.

We appreciate your efforts and those of University staff as we investigated and resolved this complaint. The OCR contact person for the monitoring of the agreement is (b)(6),(b)(6),(b)(6),(b). We look forward to receiving the University's first monitoring report by March 31, 2014. The report should be directed to (b)(6),(b)(7)(C), who can be reached at (b)(6),(b)(6),(b) or (b)(6),(b)(7)(C). If you have any questions about this letter or

OCR's resolution of this case, please contact (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)

Sincerely,

for Catherine D. Criswell
Director

Enclosure