

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921



James W. Schmotter, President
Western Connecticut State University
181 White Street
Danbury, CT 06810

Re: Complaint No. 01-13-2166
Western Connecticut State University

Dear President Schmotter:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), is closing the above referenced complaint that was filed against Western Connecticut State University (University) on May 13, 2013, alleging disability discrimination. Specifically, the Complainant alleged that spectator seating on the field (and routes to that seating) for the University's 2013 graduation ceremony (Ceremony), were not accessible by individuals using wheelchairs.

OCR opened this complaint pursuant to our jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II), both of which prohibit discrimination based on disability. The University is subject to Section 504 because it receives Federal financial assistance from the Department and it is subject to Title II because it is a public entity operating an educational system.

During the course of the investigation, and before OCR reached a compliance determination with regard to the accessibility of the Ceremony, the University expressed an interest in voluntarily resolving the complaint. Based on OCR's discussions with the University and the Complainant, the University agreed to take certain steps, memorialized in the enclosed Voluntary Resolution Agreement (Agreement), to resolve the complaint, including:

- Conducting a full review of the accessibility of all routes, including walking surfaces, doorways and ramps, from parking to seating, as well as bathrooms that will be designated for use by spectators with mobility impairments for its graduation ceremonies going forward (including any that will be held in an alternate location), and

- Developing a Graduation Ceremony Protocol to address any issues identified by that review, to ensure that the University’s graduation ceremonies will be readily accessible to, and usable by, persons with mobility impairments.

OCR has determined that the terms of the Agreement address the underlying allegations in this case, and are also consistent with the requirements of Section 504 and Title II. Accordingly, OCR is closing this investigation as of the date of this letter.

As memorialized in the Agreement, OCR will monitor the University’s compliance with the agreed-upon terms. OCR will close the monitoring of this matter, and will so notify the parties in writing, once it determines that the University has satisfied the terms of the Agreement. The University has agreed to provide OCR with monitoring reports demonstrating that it has implemented the provisions of the Agreement.

The information in this letter is not intended, and should not be construed, to cover any other issues regarding compliance with Section 504/Title II that may exist but are not discussed herein. Please also be advised that complainants may have the right to file a private suit in Federal court on these issues, whether or not OCR found a violation.

We wish to thank your staff at the University, particularly Mr. Fred Cratty and Mr. Peter Visentin, for their assistance throughout our investigation. If you have any questions regarding this letter, you may contact Civil Rights Attorney Meighan McCrea, by telephone at (617) 289-0052, or via e-mail at: Meighan.McCrea@ed.gov, or Civil Rights Investigator Diana Otto by telephone at (617) 289-0073, or via e-mail at: Diana.Otto@ed.gov. You may also contact me directly at (617) 289-0111.

Sincerely,

___/s/_____

Nicole M. Merhill
Acting Compliance Team Leader/
Civil Rights Attorney

cc: Mr. Fred Cratty

Enclosure