

## **RESOLUTION AGREEMENT**

### **City University of New York, School of Law Case No. 02-13-2010**

In order to resolve Case No. 02-13-2010, the City University of New York, School of Law (the School) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Item: Accessibility of School's Main Building**

By January 31, 2020, the School will make changes set forth in the Appendix to address accessibility issues with regard to the School's bathroom single-leaf doors; elevator for floors 1 to 3; and, public wheelchair accessible courtesy telephones. Any alterations or changes that affect or could affect the usability of these aspects of the School building must conform to the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 ADA Standards).

**Reporting Requirement 1:** By May 1, 2019, the School will submit to OCR, for review and approval, its proposal, including a prospective timeframe(s), to address the accessibility issues noted in the Appendix, with all changes to be completed by December 31, 2019. OCR will respond to the School's proposal within fifteen (15) calendar days.

**Reporting Requirement 2:** By February 15, 2020, the School will provide documentation to OCR (e.g., copies of paid invoices, photographs, measurements, summaries, etc.), confirming completion of changes to address accessibility issues noted in the Appendix. OCR may schedule an on-site visit to confirm that any alterations were completed consistent with the 2010 ADA Standards.

The School understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirement of the resolution agreement. Further, the School understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms and obligations of the resolution agreement. Upon the School's satisfaction of the commitments made under the resolution agreement, OCR will close the case.

The School understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the School representative below.

Date: February 15, 2019

By: \_\_\_\_\_/s/\_\_\_\_\_  
Mary Lu Bilek  
Dean  
City University of New York, School of Law

**APPENDIX**  
**City University of New York, School of Law**

***Any structural changes must comply with current accessibility standards; accordingly, all citations, unless otherwise noted, refer to the 2010 ADA Standards for Accessible Design.***

<b>Building Component</b>	<b>Bathroom Single-Leaf Doors – Floors 1, 2, and 4</b>
<b>Accessibility Issues</b>	<p>Force required to open bathroom doors (for Women’s, Men’s, and/or Unisex/Gender-Neutral bathrooms) exceeded the opening force requirements. [Section 404.2.9 (Door and Gate Opening Force – Interior Hinged Doors and Gates) states that the force for pushing or pulling open a door (other than fire doors) is 5 pounds maximum.]</p> <ul style="list-style-type: none"> <li>▪ Floor 1: <ul style="list-style-type: none"> <li>○ Men’s Hallway: 7 pounds (push)</li> </ul> </li> <li>▪ Floor 2: <ul style="list-style-type: none"> <li>○ Men’s Hallway: 7 pounds (push)</li> </ul> </li> <li>▪ Floor 4: <ul style="list-style-type: none"> <li>○ Women’s Hallway: 8 pounds (push) (exterior door)<sup>1</sup> and 7 pounds (push) (interior door)</li> </ul> </li> </ul>

<b>Building Component</b>	<b>Elevator A – One “Side (Off-Centered) Door” Elevator Car Floors 1 through 3</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>▪ Width of elevator car (side to side) = 66.5”</li> <li>▪ Depth of elevator car = 50”</li> </ul> <p>[Section 4.10.9 (Floor Plan of Elevator Cars) of the ADA Accessibility Guidelines (ADAAG) states that the minimum width of a “side (off-centered) door” elevator car is 68” (side to side); the minimum depth (inside the car, from the back wall to front elevator wall is 51”].<sup>2</sup></p>

<sup>1</sup> References to exterior or interior doors indicate the position of the door, if two doors are in succession.

<sup>2</sup> The School has stated that it may modify or remove interior wall panels of the existing elevator car to increase its width and depth to achieve compliance with the ADAAG. As an alternative, should the School undertake changes to the elevator in order to make the elevator accessible that qualify as alterations [Section 106.5 (Defined Terms) defines an alteration as a change in a building or facility that affects or could affect the usability of a building or facility or portion thereof], such alteration(s) must conform to the 2010 ADA Standards [Section 202.3]. [Section 407.4.1 (Elevators – Elevator Car Dimensions) states that the minimum width of a “side (off-centered) door” elevator car is 68” (side to side); the minimum depth (inside the car, from the back wall to the inside face of the elevator door) is 54”; and, the minimum depth (inside the car, from the back wall to front elevator wall) is 51”].

Building Component	Public Wheelchair Accessible Courtesy Telephones – Floors 2, 3, 4, 5, and 6
Accessibility Issues	<ul style="list-style-type: none"><li data-bbox="537 436 1424 617">▪ Absence of public wheelchair accessible courtesy telephones. [Section 217.1 (Telephones – General) states that when one or more individual public telephone units are located on a floor, level, or exterior site, there must also be one public wheelchair accessible telephone unit.]<sup>3</sup></li><li data-bbox="537 617 1424 827">▪ Height of the base of the telephones = 53.5” high. [Section 704.2 (Telephones – Wheelchair Accessible Telephones) references Section 309 (Operable Parts), which, in turn references, Section 308 (Reach Ranges). Section 308 states that an unobstructed forward reach and an unobstructed side reach should not exceed 48”.]<sup>4</sup></li></ul>

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<sup>3</sup> Section 217.1 applies to coin-operated or coinless public pay telephones, public closed-circuit telephones, public courtesy phones, or other types of public telephones.

<sup>4</sup> Section 704.2 references Section 305 (Clear Floor or Ground Space); Section 307 (Protruding Objects); and, Section 309 (Operable Parts), which also references Section 308 (Reach Ranges). Therefore, the School should ensure that the installation of any public wheelchair accessible courtesy telephones is in compliance with all relevant sections of the 2010 ADA Standards.