

## **RESOLUTION AGREEMENT<sup>1</sup>**

### **City University of New York – York College OCR Case No. 02-17-2498**

In order to resolve Case No. 02-17-2498, the City University of New York – York College (the College) 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

This Resolution Agreement has been entered into voluntarily by the College prior to the completion of OCR’s investigation and does not constitute an admission by the College that it is not in compliance with Section 504 and/or the ADA.

#### **Action Item 1: Men’s Bathrooms in Academic Core Building (Building 1) and Health and Physical Education Building (Building 2)**

The College has advised OCR that it is in the process of implementing an “ADA Restrooms Project” for Buildings 1 and 2. By June 30, 2020, the College will complete structural changes to the bathrooms in Buildings 1 and 2, and all bathrooms and elements therein will conform to the 2010 ADA Standards.

In the interim, the College agrees that by June 15, 2018, the College will:

- inspect, and repair, if needed, the locking mechanisms in all of the designated accessible stalls in the men’s bathrooms in Building 1;
- adjust the opening force of the entrance doors to all of the men’s bathrooms in Buildings 1 and 2, so that interior hinged doors have a 5 pound maximum force for pushing or pulling open the door [2010 ADA Standards, Sections 213.2 and 404.2.9]; and
- insulate or otherwise configure to protect against contact, the pipes under the accessible sinks in all men’s bathrooms in Building 1 and Building 2 [2010 ADA Standards, Sections 213.3.4 (at least one sink in each bathroom must comply with Section 606) and 606.5].
- adjust the doorway width of the toilet compartments (i.e., the accessible stalls) in at least two men’s bathrooms per floor in Building 1 to provide a clear width of 32 inches minimum [2010 ADA Standards, Sections 604.8.1.2 and 404].

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<sup>1</sup> Beginning March 15, 2012, all new construction or alterations of existing facilities must conform to the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards). Accordingly, all structural changes required by this agreement must conform to the 2010 ADA Standards.

### **Reporting Requirements:**

- a. By July 16, 2018, the College will provide documentation of its inspection and repair of the locking mechanisms in all accessible stalls in the men's bathrooms.
- b. By July 16, 2018, the College will provide documentation of its adjustment of the opening force of entrance doors to the restrooms and the insulation of sink pipes, consistent with the requirements of the 2010 ADA Standards, as set forth in Action Item 1 above.
- c. By July 16, 2018, the College will provide documentation of its adjustment of the doorway width of the accessible stalls, consistent with the requirements of the 2010 ADA Standards, as set forth in Action Item 1 above.
- d. By September 17, 2018, and every six months thereafter until completion, the College will provide documentation regarding the status and implementation of its "ADA Restrooms Project."
- e. By July 30, 2020, the College will provide documentation (e.g., copies of paid invoices, photographs, etc.) of the structural changes made to all bathrooms, including the elements therein, in Buildings 1 and 2, to conform to the 2010 ADA Standards.

### **Action Item 2: Entrances to Building 1**

By June 15, 2018, the College will adjust the opening force of the interior vestibule doors at the designated accessible entrance(s) to Building 1, so that the interior hinged doors have a 5 pound maximum force for pushing or pulling open the door [2010 ADA Standards, Sections 206.4.1 (at least 60% of all public entrances must comply with Section 404) and 404.2.9].

**Reporting Requirement:** By July 16, 2018, the College will provide documentation to OCR of its adjustment of the opening force of the interior vestibule doors at all designated accessible entrances to Building 1, consistent with the requirements of the 2010 ADA Standards as set forth in Action Item 2 above.

The College understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the College understands that during the monitoring of this Agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at §§ 104.21 and 104.23; and the ADA, at 28 C.F.R. §§ 35.149 and 35.151. Upon completion of the obligations under this Agreement, OCR shall close this case.

The College 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 College 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 College's representative below.

3/14/2018

/s/

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Date

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Russell J. Platzek, Executive Director of Legal  
Affairs and Labor Relations  
York College

3/13/2018

/s/

\_\_\_\_\_  
Date

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Hilary B. Klein, Senior Litigation Counsel  
The City University of New York