



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

June 7, 2019

Randall J. VanWagoner, Ph.D.
President
Mohawk Valley Community College
1101 Sherman Drive
Utica, New York 13501

By email only to rvanwagoner@mvcc.edu

Re: Case No. 02-19-2159
Mohawk Valley Community College

Dear Dr. VanWagoner:

On April 8, 2019, the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint filed against Mohawk Valley Community College (the College). The complainant alleged that the College discriminates against individuals with disabilities, by failing to provide classroom, office, library, and gymnasium entrances with appropriate Braille signage in the following buildings: the Academic Building, Jorgensen Athletic/Events Center, Payne Hall, the Information Technology Building, and the Alumni College Center.

OCR is responsible for enforcing 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, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). OCR also is responsible for enforcing 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. Under the ADA, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The College is a recipient of financial assistance from the Department and is a public postsecondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under both Section 504 and the ADA.

On May 29, 2019, OCR contacted the College to discuss the complaint and OCR's Rapid Resolution Process (RRP). On June 6, 2019, the College voluntarily entered into the attached resolution agreement to resolve the complaint, in accordance with Section 302 of OCR's Case Processing Manual. OCR will monitor implementation of the resolution agreement. If the College fails to comply with the terms of the resolution agreement, OCR will resume its processing of the complainant's complaint.

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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College 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 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, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions regarding OCR's determination, please contact Jonathon LeBeau, Compliance Team Investigator, at (646) 428-3790 or Jonathon.LeBeau@ed.gov; or R. Colin Power, Compliance Team Attorney, at (646) 428-3832 or R.Colin.Power@ed.gov.

Sincerely,

/s/

Anna Moretto Cramer
Compliance Team Leader

Encl.

cc: Stephanie Reynolds