

## **RESOLUTION AGREEMENT**

### **Wagner College OCR Case No. 02-20-2105**

In order to resolve Case No. 02-20-2105, Wagner College (the College) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the below actions, 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.

This Agreement shall not be construed as an admission that the College has violated any federal, state or local law (statutory or decisional), ordinance or regulation.

#### **Action Item 1: Information Regarding Alterations to Facilities**

By October 1, 2020, the College will determine whether any of the following facilities, or portions thereof, have been altered<sup>1</sup> since their original construction: Union Hall, Harborview Hall, Towers Hall, Cunard Hall, the Coffeehouse in Reynolds House, and the Postal Center in Campus Hall (collectively, the Facilities).

#### **Reporting Requirements:**

- If there are any anticipated delays to the below timeframes due to the COVID-19 pandemic, the College will work with OCR on a mutually agreeable extension.
- a) By October 1, 2020, the College will advise OCR as to whether any of the Facilities, or portions thereof, have been altered since their original construction. If any of the Facilities, or portions thereof, have been altered since their original construction, the College will describe the alteration and indicate which date(s) the alterations commenced and were completed.
  - b) By October 30, 2020, the College will provide documentation to OCR demonstrating that the facilities, or portions thereof, that have been altered since their original construction, identified in Reporting Requirement (a) above, were altered consistent with the accessibility standard applicable at the date the alteration commenced, if any.

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<sup>1</sup> The regulation implementing Section 504, at 34 C.F.R. § 104.23(b), states that each facility or part of a facility that has been altered after June 3, 1977, in a manner that affects usability of the facility or part of the facility must be altered in such a manner as that the altered portion of the facility is readily accessible to and usable by individuals with disabilities. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

### **Action Item 2: Accessibility Plan for Existing Facilities**

By November 30, 2020, if no alteration has been made to Union Hall, Harborview Hall, Towers Hall, Cunard Hall, the Coffeehouse in Reynolds House, or the Postal Center in Campus Hall, or a portion thereof, since its original construction, thus rendering it an “existing facility” pursuant to the regulation implementing Section 504, at 34 C.F.R. § 104.22<sup>2</sup>, the College will determine, to the extent necessary, whether it will develop a plan to ensure that each program and activity conducted in the facility, when viewed in its entirety, is readily accessible to individuals with disabilities (the Plan) or make structural changes to the facility to make the facility readily accessible to and usable by individuals with disabilities. If the College determines that it will develop the Plan, as part of the Plan, the College will take steps to notify individuals with disabilities how to gain access to the programs and activities conducted in the facility.

#### **Reporting Requirements:**

- If there are any anticipated delays to the below timeframes due to the COVID-19 pandemic, the College will work with OCR on a mutually agreeable extension.
- a) By November 30, 2020, the College will advise OCR whether it has chosen to develop the Plan for each facility identified pursuant to Action Item 2 as an “existing facility,” or make structural changes to the facility to make the facility readily accessible to and usable by individuals with disabilities.
  - b) By November 30, 2020, for each facility identified pursuant to Action Item 2 as an “existing facility,” for which the College has chosen to develop the Plan, the College will provide to OCR a list of each program and activity conducted in the facility, indicating where the program or activity is located within the facility; and a detailed written plan demonstrating how it will make each program and activity conducted in the facility, when viewed in its entirety, readily accessible to individuals with disabilities.
  - c) By November 30, 2020, the College will submit documentation to OCR demonstrating that it has notified individuals with disabilities how to gain access to the programs and activities conducted in each facility identified pursuant to Action Item 2 as an “existing facility,” for which the College has chosen to develop the Plan. Proof of the dissemination of the information may be provided to OCR by providing a link to where the information appears on the College’s website, if applicable.
  - a) By June 30, 2021, the College will provide to OCR a list of all requests received during academic year 2020-2021 to relocate any program or activity to an accessible location from each facility identified pursuant to Action Item 2 as an “existing facility,” for which the College has chosen to develop the Plan. The list will indicate, for each request: (a) the date of the request, (b) the facility and location within the facility, (c) the staff responsible for responding to the request, (d) the date of the College’s

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<sup>2</sup> The regulation implementing Section 504, at 34 C.F.R. § 104.22, categorizes facilities constructed on or before June 3, 1977, as “existing facilities.”

response, and (e) the new facility/location. The College will provide copies of the request and response; and if any request was denied in whole or in part, explain why.

**Action Item 3: Structural Changes/Alterations**

By November 30, 2020, if the College chooses to make structural changes/alterations to Union Hall, Harborview Hall, Towers Hall, Cunard Hall, the Coffeehouse in Reynolds House, or the Postal Center in Campus Hall, or a portion thereof, to make the facility, or portion thereof, readily accessible to and usable by individuals with disabilities, the College will develop a detailed written plan outlining the structural changes/alterations it will make, with anticipated dates of completion, and how such changes/alterations will make the Facilities accessible to and usable by individuals with disabilities. Any structural changes/alterations must comply with the 2010 Americans with Disabilities Act Standards for Accessible Design.

**Reporting Requirements:**

If there are any anticipated delays to the below timeframes due to the COVID-19 pandemic, the College will work with OCR on a mutually agreeable extension.

- a) By November 30, 2020, the College will provide to OCR the detailed written plan outlining the structural changes/alterations it will make, consistent with Action Item 3 above.
- b) By June 30, 2021, the College will provide documentation to OCR (e.g., copies of invoices, photographs) confirming completion of structural changes to the identified facilities or the status of progress of such changes/alterations and the expected date of completion. If such changes/alterations are not complete by June 30, 2021, the College will provide to OCR periodic updates on the status of all changes/alterations made every ninety (90) days until all changes/alterations are complete; with all changes/alterations to be complete by June 20, 2022.

The College understands that by signing this resolution agreement (the Agreement), it agrees to provide data and other 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 and obligations of this Agreement. Upon the College’s satisfaction of the commitments made under this Agreement, OCR will close the case.

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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.

Wagner College

/s/

9/10/2020

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Name:

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Date

Title: