

RESOLUTION AGREEMENT
OCR Complaint #03152020
Indiana University of Pennsylvania (the University)

The University submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The University, in providing any aid, benefit, or service, further recognizes that it may not, directly or through contractual, licensing or other arrangements, on the basis of disability, aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the University's program or activity (34 CFR § 104.4(b)(1)(v)). In furtherance of this obligation, and while expressly denying any and all liability with respect to the allegations in the complaint, the University agrees to take the following actions:

Action Items

1. By January 31, 2016, the University will ensure all accessible parking spaces located between Elkin Hall (rear lot) and Weyandt Hall are compliant with the guidelines provided by the U.S. Department of Justice's 2010 Americans with Disability Act accessibility standards (2010 ADA standards).
2. By January 31, 2016, the University will ensure that signage for the accessible entrance at Davis Hall is installed in accordance with applicable Uniform Federal Accessibility Standards or 2010 ADA standards.
3. By February 15, 2016, the University shall provide OCR with documentation, including detailed photographs and measurements that demonstrate that the code-compliant accessibility of the parking space and signage identified in Action Steps 1 and 2 above.
4. The University has notified the Student Cooperative Association (the Co-Op) that consistent with 34 CFR § 104.4(b)(1)(v), the University may not, in providing any aid, benefit, or service, directly or through contractual licensing, or other arrangements, on the basis of disability, aid or perpetuate discrimination against a qualified person with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the University's program or activity. The University has notified the Co-Op that certain complaints as to the accessibility of the Hadley Union Building (HUB) and the College Lodge have been made to the OCR including that the lift at the HUB is not self-operating, performance stages at the

HUB are not accessible and accessible parking is not located along an accessible route to the entrance of the College Lodge. The University will ask for assurances from the Co-Op that these elements are compliant with the applicable guidelines provided by the U.S. Department of Justice, noting that the information provided will be sent to the OCR. More specifically, the University will request the Co-Op provide information and assurances that the following elements are consistent with the 2010 ADA standards:

- a. The lift serving the skywalk at the HUB is self-operating and the performance stage in the Ohio room at the HUB is accessible on or before January 31, 2016.
- b. The performance stage located in the Delaware room of the HUB will be made accessible or taken out of service on or before May 31, 2016.
- c. Three accessible parking spaces are available on an accessible route to the entrance of the College Lodge which will afford qualified individuals with a disability the opportunity to participate in or benefit from the aid, benefit or service that is equal to that afforded others on or before May 31, 2016. If there are unforeseen circumstances that cause a delay in providing three accessible parking spaces along an accessible route to the College Lodge, at least one accessible space along an accessible route will be completed and the University will request information and assurances from the Co-Op which will be provided to OCR by May 31, 2016, documenting the progress to date, the problems encountered, and plan to ensure that two additional accessible parking spaces on an accessible route serving the Lodge are completed by no later than May 31, 2017. Installation of appropriate signage in the lower lot which will direct persons with disabilities to the dedicated accessible parking serving the College Lodge and other portions of the property, on or before May 31, 2016.

To the extent that the University provides significant assistance to the Co-op who provides aid, benefit or service to beneficiaries of the University's program and the Co-op fails to facilitate these changes by no later than May 31, 2017, the University agrees to take all necessary steps within its authority and consistent with the assistance provided to discontinue the same.

5. By January 31, 2016, the University will submit for OCR's review and approval a draft policy prohibiting discrimination in employment on the basis of disability (the 504 Grievance Procedure). The 504 Grievance Procedure will incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or Title II. At a minimum, the University's 504 Grievance Procedure will contain the following:
 - a. notice to students and employees of the procedure, including how and where to file a complaint;

- b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
 - c. adequate, reliable, and impartial investigation processes, including the opportunity to present witnesses and other evidence;
 - d. designated and reasonably prompt timeframes for the major stages of the complaint process;
 - e. notice to the parties of the outcome of the complaint, and the basis for the decision;
 - f. an assurance that the University will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate; and
 - g. definitions and examples of what types of actions may constitute disability discrimination and/or harassment.
6. Within 30 days of the University's receipt of the OCR-approved 504 Grievance Procedure, the University will undertake the necessary steps to initiate adoption of the Section 504 Grievance Procedure which involves approval by all appropriate internal organizations. Once adopted, the University will notify all employees of the newly revised procedures and will post them on its website (in a manner that is searchable by the site's search engine). The notification shall occur by written correspondence, email, or both and shall further provide information of where the grievance procedure is located on its website and, alternatively, where individuals may request or obtain a written copy of the procedure.

Reporting Requirements

1. Within 30 days of the University's adoption of the written Grievance Procedure drafted pursuant to Action Step 5, the University shall provide OCR with proof of notice and distribution of the plan, including copies of the written notices issued to employees regarding the new Section 504 Grievance Procedure, a description of how the notices were distributed, and a link to its webpage where the policy is located.
2. On February 15, 2016 and May 31, 2016, the University will provide a progress report to OCR detailing its implementation of the requirements listed in Action Step 4, including a status of efforts undertaken by the Co-op.

Miscellaneous

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and the regulations implementing Title II of the ADA at 28 C.F.R. § 35.149, and their implementing regulations, which were at issue in this complaint.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the University understands that during the monitoring of this Agreement, OCR may visit the University, interview staff and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and the regulations implementing Title II of the ADA at 28 C.F.R. § 35.149, which were at issue in this complaint.

The University 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 University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
President and/or Designee

____12/17/15_____
Date