



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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REGION IV

ALABAMA
FLORIDA
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September 16, 2022

VIA EMAIL ONLY TO: XXXX, XXXXX

Randy Boyd
Office of the President
University of Tennessee
800 Andy Holt Tower
1331 Circle Park
Knoxville, TN 37996

RE: OCR Complaint No. 04-14-2391

Dear Mr. Boyd:

This letter advises you of the outcome of the U.S. Department of Education, Office for Civil Rights (OCR) investigation that OCR opened after receiving a complaint on May 6, 2014 against the University of Tennessee alleging discrimination on the basis of disability.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability in public elementary and secondary education systems and institutions of higher education, and vocational education (other than schools of medicine, dentistry, nursing, and other health related schools), and public libraries. As a recipient of Federal financial assistance from the Department of Education, the University is subject to these laws and OCR's jurisdiction.

Specifically, the Complainant alleges the following:

1. The University does not provide a sufficient number of designated accessible parking spaces at the Plant Biotech Building because the University combines the parking spaces at the Plant Biotech and Ellington Plant Sciences Buildings to calculate the required number of designated accessible parking spaces for both buildings;
2. There is no designated accessible front or side access to the Plant Biotech Building; the only designated entrance is located adjacent to the loading dock in the rear of the building;

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3. The University does not provide a sufficient number of designated accessible parking spaces on the shuttle bus route at the Agriculture Campus for Thompson-Boling Arena events;
4. The University route to the shuttle stop at the Agriculture Campus is not accessible for persons with disabilities because the route is not firm, stable and slip resistant and there is inadequate lighting;
5. There is limited directional signage at the Thompson-Boling Area to direct persons with disabilities to the designated accessible seating areas;
6. The G-10 garage, one of the parking facilities at the Thompson-Boling Area that provides designated accessible parking provides an insufficient number of accessible parking spaces because this is also a "Premium Prepaid" lot which reduces the number of available accessible parking spaces; and
7. The shuttle drop-off at the Thompson-Boling Arena is not located adjacent to the nearest designated accessible entrance(s).

OCR investigated:

1. Whether the University discriminates against persons with disabilities by failing to provide an adequate number of designated accessible spaces at the Plant Biotech Building, in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.21-104.23, and Title II implementing regulation at 28 C.F.R. §§ 35.149-35.151.
2. Whether the University discriminates against persons with disabilities by failing to provide a sufficient number of designated accessible parking spaces near shuttle stops at the Agriculture Campus for Thompson-Boling Arena events and failing to provide a designated accessible route to provide access for persons with disabilities between the shuttle stop(s) and the designated accessible entrance(s), in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.21-104.23, and Title II implementing regulation at 28 C.F.R. §§ 35.149-35.151.
3. Whether the University discriminates against persons with disabilities by failing to provide directional signage to identify the location(s) of the designated accessible seating area(s) in the Thompson Boling Arena and by under-allocating designated, accessible parking during major events, and providing a shuttle drop off point at the Thompson Boling Arena that is not on the closest accessible route to the designated accessible entrances at the Thompson Boling Arena, in noncompliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.21-104.23, and Title II implementing regulation at 28 C.F.R. §§ 35.149-35.151.

Summary of Investigation

During the investigation, OCR reviewed data from the University and Complainant and conducted two onsite visits to the University. During the course of the investigation, prior to OCR completing its investigation, the University requested to resolve this complaint under Section 302 of OCR's *Case Processing Manual*.

Legal Standards

The regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.4(a) and 28 C.F.R. § 35.130(a), respectively, state that no qualified individual with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance or is a public entity.

The regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149, respectively, state that no qualified individual with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination by a recipient because the recipient's facilities are inaccessible to or unusable by persons with disabilities. The Section 504 and Title II regulations contain different standards, based on when a facility was constructed or altered, for determining whether a recipient's programs, activities, and services are accessible to individuals with disabilities.

The accessibility requirements of Section 504 are found at 34 C.F.R. §§ 104.21-104.23. Comparable sections of the Title II regulations are found at 28 C.F.R §§ 35.149-35.151. Both regulations provide generally that no qualified individual with a disability shall, because facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or denied the benefits of services, programs, or activities, or be subjected to discrimination.

The University meets the definition of a "facility" under the Section 504 and Title II regulations (see 34 C.F.R. § 104.3(i) and 28 C.F.R. § 35.104.) The University is comprised of the buildings, the parking lots, the route from the parking lots to the buildings, and the sidewalks.

Accessibility of Existing Facilities

The standards of program access that apply to an existing facility are found at 34 C.F.R. § 104.22 and 28 C.F.R. § 35.150. Both Section 504 and Title II require that the University shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. See 34 C.F.R. § 104.22(a); 28 C.F.R. § 35.150(a). This standard does not necessarily require that the University make each of its existing facilities or every part of a facility accessible if alternative methods are effective in providing overall access to the service, program, or activity. See 34 C.F.R. § 104.22(a); 28 C.F.R. § 35.150(a). In choosing among available methods for meeting the program access requirements for existing facilities, the University required to give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate. See 34 C.F.R. § 104.22(b); 28 C.F.R. § 35.150(b).

However, when all or part of an existing facility is altered in a manner that affects or could affect the usability of the facility or part of the facility, it shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities. See 34 C.F.R. § 104.23(b); 28 C.F.R. § 35.151(b).

Accessibility of New Construction

The implementing regulations of Section 504, at 34 CFR § 104.23, and Title II, at 28 CFR § 35.151, are applicable to any facility or part of a facility where construction was commenced after June 3, 1977 (Section 504), or January 26, 1992 (Title II), respectively. These facilities are considered “new construction or alterations.” The Section 504 and Title II regulations provide that each facility or part of a facility which is altered by or for the use of a recipient in a manner that affects or could affect the usability of the facility shall, to the maximum extent feasible, be altered such that the altered portion is readily accessible to and usable by individuals with disabilities. The Section 504 and Title II regulations set forth the specific accessibility standards to be used in new construction. See 34 C.F.R. § 104.23 (c); 28 C.F.R. § 35.151 (c).

The Section 504 regulation, at 34 C.F.R. § 104.23(c), delineates the *American National Standards Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped* [ANSI 117.1-1961 (1971)] (ANSI) as a minimum standard for determining accessibility for facilities constructed or altered on or after June 3, 1977, and before January 18, 1991, and the *Uniform Federal Accessibility Standards* (UFAS) for facilities constructed or altered on or after January 18, 1991. The Title II regulation, at 28 C.F.R. § 35.151(c), delineates UFAS or the *Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities* (ADA Standards for Accessible Design) as a minimum standard for determining accessibility for facilities constructed or altered on or after January 26, 1992.

The regulation implementing Title II and the ADA Standards for Accessible Design was amended in September 2010. Title II adopted new accessibility guidelines, the *2010 ADA Standards for Accessible Design* (2010 ADA Standards)¹, which became effective March 15, 2011. Title II, at 28 C.F.R. §35.151(c)(3), now provides, “If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 [ADA] Standards.” For facilities where construction or alterations commenced on or after September 15, 2010, and before March 15, 2012, however, the Title II regulation provides that recipient had a choice of complying with UFAS, the ADA Standards for Accessible Design, or the 2010 ADA Standards.

Factual Findings

The University has multiple buildings and campuses. However, the complaint is focused on three areas: the Plant Biotech Building, the Pendergrass Agriculture & Veterinary Medicine Library parking lot and shuttle stop to the Thompson-Boling arena, and the Thompson-Boling Arena and its assigned parking lots that are used during events.

¹ <https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#c2> (Last accessed 9/15/2022).

The Plant Biotech Building is a six-story building which includes five stories plus a basement entrance and is used for research labs and classrooms. The Plant Biotech Building and the Ellington Science Building are side by side and the designated accessible route leads to both buildings. The Plant Biotech Building was built in 2003 and modifications were made to the building in 2005. Accordingly, the Plant Biotech Building is considered a *new facility* under Section 504 and Title II and the ADA Standards for Accessible Design apply.

The Pendergrass Agriculture & Veterinary Medicine Library parking lot and designated accessible route were constructed in 1975. As such, the parking lot is considered an existing facility. The parking lot closed on October 7, 2020 for construction and another accessible shuttle loading area and stop is currently under evaluation.

The Thompson-Boling Arena was opened in 1987 and remodeled, starting in 2008. The designated accessible routes from the shuttle stop(s) to the Thompson-Boling Arena were originally completed in 2003 and the most recent renovations were completed in 2013. The signage directing visitors to the elevator and to designated accessible seating areas were last repainted in 2018. As such, the sidewalks, crosswalks, and signage are considered *new construction* and OCR reviewed the accessible route from the shuttle drop off spot to the accessible entrance and from the accessible entrance to assigned seating under the 2010 ADA Standards.

Applicable Accessibility Standards

ADA Standards for Accessible Design

Accessible Parking Requirements

4.1.2 Accessible Sites and Exterior Facilities: New Construction. An accessible site shall meet the following minimum requirements:

- (1) At least one accessible route complying with 4.3 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones if provided, and public streets or sidewalks, to an accessible building entrance.
- (2) At least one accessible route complying with 4.3 shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.
- (3) All objects that protrude from surfaces or posts into circulation paths shall comply with 4.4.
- (4) Ground surfaces along accessible routes and in accessible spaces shall comply with 4.5.
- (5) (a) If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces complying with 4.6 shall be provided in each such parking area in conformance with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured.

Total Parking in Lot			Required Minimum Number of Accessible Spaces
1	to	25	1
26	to	50	2
51	to	75	3
76	to	100	4
101	to	150	5
151	to	200	6
201	to	300	7
301	to	400	8
401	to	500	9
501	to	1000	2 percent of total
1001	and over		20, plus 1 for each 100 over 1000

Except as provided in (b), access aisles adjacent to accessible spaces shall be 60 in (1525 mm) wide minimum.

(b) One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated "van accessible" as required by 4.6.4. The vertical clearance at such spaces shall comply with 4.6.5. All such spaces may be grouped on one level of a parking structure.

EXCEPTION: Provision of all required parking spaces in conformance with "Universal Parking Design" (see appendix A4.6.3) is permitted.

(c) If passenger loading zones are provided, then at least one passenger loading zone shall comply with 4.6.6.

4.6.2 Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

4.6.3* Parking Spaces. Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see [Fig. 9](#)). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

4.6.4* Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see 4.30.7). Spaces complying with 4.1.2(5)(b) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

4.6.5* Vertical Clearance. Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

Accessible Route

4.3.1* General. All walks, halls, corridors, aisles, skywalks, tunnels, and other spaces that are part of an accessible route shall comply with 4.3.

4.3.2 Location.

- (1) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.
- (2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.
- (3) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

4.3.6 Surface Textures. The surface of an accessible route shall comply with 4.5.

4.3.7 Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with 4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

4.3.8 Changes in Levels. Changes in levels along an accessible route shall comply with 4.5.2. If an accessible route has changes in level greater than 1/2 in (13 mm), then a curb ramp, ramp, elevator, or platform lift (as permitted in 4.1.3 and 4.1.6) shall be provided that complies with 4.7, 4.8, 4.10, or 4.11, respectively. An accessible route does not include stairs, steps, or escalators.

4.3.9 Doors. Doors along an accessible route shall comply with 4.13.

4.8 Ramps.

4.8.1* General. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with 4.8.

4.8.2* Slope and Rise. The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in (760 mm) (see [Fig. 16](#)). Curb ramps and ramps to be constructed on existing sites or in existing

buildings or facilities may have slopes and rises as allowed in 4.1.6(3)(a) if space limitations prohibit the use of a 1:12 slope or less.

4.8.3 Clear Width. The minimum clear width of a ramp shall be 36 in (915 mm).

4.8.4* Landings. Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

- (1) The landing shall be at least as wide as the ramp run leading to it.
- (2) The landing length shall be a minimum of 60 in (1525 mm) clear.
- (3) If ramps change direction at landings, the minimum landing size shall be 60 in by 60 in (1525 mm by 1525 mm).
- (4) If a doorway is located at a landing, then the area in front of the doorway shall comply with 4.13.6.

4.8.5* Handrails. If a ramp run has a rise greater than 6 in (150 mm) or a horizontal projection greater than 72 in (1830 mm), then it shall have handrails on both sides. Handrails are not required on curb ramps or adjacent to seating in assembly areas. Handrails shall comply with 4.26 and shall have the following features:

- (1) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.
- (2) If handrails are not continuous, they shall extend at least 12 in (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface (see [Fig. 17](#)).
- (3) The clear space between the handrail and the wall shall be 1 - 1/2 in (38 mm).
- (4) Gripping surfaces shall be continuous.
- (5) Top of handrail gripping surfaces shall be mounted between 34 in and 38 in (865 mm and 965 mm) above ramp surfaces.
- (6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.
- (7) Handrails shall not rotate within their fittings.

4.8.6 Cross Slope and Surfaces. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with 4.5.

4.8.7 Edge Protection. Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of 2 in (50 mm) high (see [Fig. 17](#)).

4.8.8 Outdoor Conditions. Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces.

Doors

4.13.1 General. Doors required to be accessible by 4.1 shall comply with the requirements of 4.13.

4.13.2 Revolving Doors and Turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible gate or door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern.

4.13.3 Gates. Gates, including ticket gates, shall meet all applicable specifications of 4.13.

4.13.4 Double-Leaf Doorways. If doorways have two independently operated door leaves, then at least one leaf shall meet the specifications in 4.13.5 and 4.13.6. That leaf shall be an active leaf.

4.13.5 Clear Width. Doorways shall have a minimum clear opening of 32 in (815 mm) with the door open 90 degrees, measured between the face of the door and the opposite stop (see [Fig. 24\(a\)](#), [\(b\)](#), [\(c\)](#), and [\(d\)](#)). Openings more than 24 in (610 mm) in depth shall comply with 4.2.1 and 4.3.3 (see [Fig. 24\(e\)](#)).

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 in (510 mm) minimum.

4.13.6 Maneuvering Clearances at Doors. Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in [Fig. 25](#). The floor or ground area within the required clearances shall be level and clear.

EXCEPTION: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in [Fig. 25](#)) if the door is at least 44 in (1120 mm) wide.

4.13.7 Two Doors in Series. The minimum space between two hinged or pivoted doors in series shall be 48 in (1220 mm) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see [Fig. 26](#)).

4.13.8* Thresholds at Doorways. Thresholds at doorways shall not exceed 3/4 in (19 mm) in height for exterior sliding doors or 1/2 in (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see 4.5.2).

4.13.9* Door Hardware. Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate.

Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than 48 in (1220 mm) above finished floor.

4.13.10* Door Closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 in (75 mm) from the latch, measured to the leading edge of the door.

2010 ADA Standards

208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with 208.

208.2 Minimum Number. Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

Table 208.2 Parking Spaces	
Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

Advisory 208.2 Minimum Number. The term "parking facility" is used Section 208.2 instead of the term "parking lot" so that it is clear that both parking lots and parking structures are required to comply with this section. The number of parking spaces required to be accessible is to be calculated separately for each parking facility; the required number is not to be based on the total number of parking spaces provided in all of the parking facilities provided on the site.

502 Parking Spaces

502.1 General. Car and van parking spaces shall comply with 502. Where parking spaces are marked with lines, width measurements of parking spaces and access aisles shall be made from the centerline of the markings.

EXCEPTION: Where parking spaces or access aisles are not adjacent to another parking space or access aisle, measurements shall be permitted to include the full width of the line defining the parking space or access aisle.

502.2 Vehicle Spaces. Car parking spaces shall be 96 inches (2440 mm) wide minimum and van parking spaces shall be 132 inches (3350 mm) wide minimum, shall be marked to define the width, and shall have an adjacent access aisle complying with 502.3.

EXCEPTION: Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.

502.3 Access Aisle. Access aisles serving parking spaces shall comply with 502.3. Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle.

502.3.1 Width. Access aisles serving car and van parking spaces shall be 60 inches (1525 mm) wide minimum.

502.3.2 Length. Access aisles shall extend the full length of the parking spaces they serve.

502.3.3 Marking. Access aisles shall be marked so as to discourage parking in them.

Accessible Route

402 Accessible Routes

402.1 General. Accessible routes shall comply with 402.

402.2 Components. Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

Advisory 402.2 Components. Walking surfaces must have running slopes not steeper than 1:20, see 403.3. Other components of accessible routes, such as ramps (405) and curb ramps (406), are permitted to be more steeply sloped.

403 Walking Surfaces

403.1 General. Walking surfaces that are a part of an accessible route shall comply with 403.

403.2 Floor or Ground Surface. Floor or ground surfaces shall comply with 302.

403.3 Slope. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48.

403.4 Changes in Level. Changes in level shall comply with 303.

403.5 Clearances. Walking surfaces shall provide clearances complying with 403.5.

403.5.1 Clear Width. Except as provided in 403.5.2 and 403.5.3, the clear width of walking surfaces shall be 36 inches (915 mm) minimum.

406 Curb Ramps

406.1 General. Curb ramps on accessible routes shall comply with 406, 405.2 through 405.5, and 405.10.

406.2 Counter Slope. Counter slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20. The adjacent surfaces at transitions at curb ramps to walks, gutters, and streets shall be at the same level.



Figure 406.2 Counter Slope of Surfaces Adjacent to Curb Ramps

406.3 Sides of Curb Ramps. Where provided, curb ramp flares shall not be steeper than 1:10.

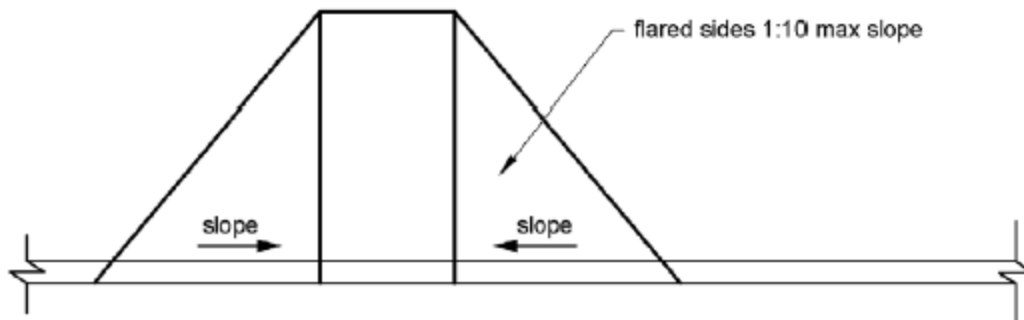


Figure 406.3 Sides of Curb Ramps

Signage

216.4 Means of Egress. Signs for means of egress shall comply with 216.4.

216.4.3 Directional Signs. Signs required by section 1003.2.13.6 of the International Building Code (2000 edition) or section 1007.7 of the International Building Code (2003 edition) (incorporated by reference, see "Referenced Standards" in Chapter 1) to provide directions to accessible means of egress shall comply with 703.5.

Elevator

407.2.3 Hoistway Signs. Signs at elevator hoistways shall comply with 407.2.3.

407.2.3.1 Floor Designation. Floor designations complying with 703.2 and 703.4.1 shall be provided on both jambs of elevator hoistway entrances. Floor designations shall be provided in both tactile characters and braille. Tactile characters shall be 2 inches (51 mm) high minimum. A tactile star shall be provided on both jambs at the main entry level.

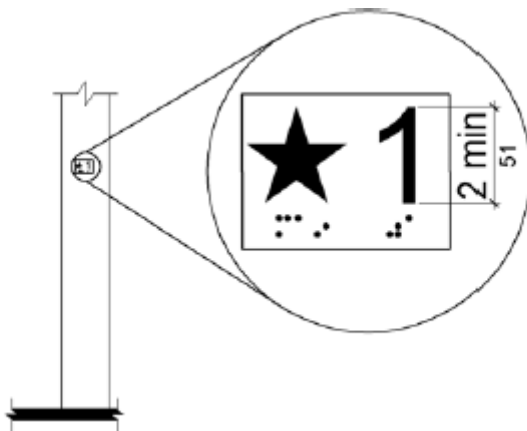
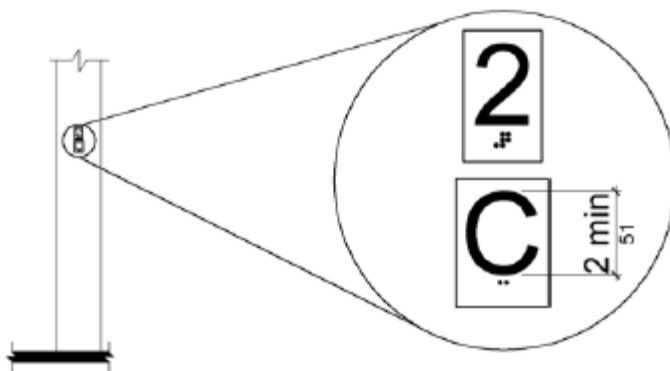


Figure 407.2.3.1 Floor Designations on Jambs of Elevator Hoistway Entrances

407.2.3.2 Car Designations. Destination-oriented elevators shall provide tactile car identification complying with 703.2 on both jambs of the hoistway immediately below the floor designation. Car designations shall be provided in both tactile characters and braille. Tactile characters shall be 2 inches (51 mm) high minimum.



407.4.7.1 Buttons. Car control buttons shall comply with 407.4.7.1.

407.4.7.1.1 Type. Control buttons shall be identified by tactile characters complying with 703.2.

407.4.7.1.2 Location. Raised character and braille designations shall be placed immediately to the left of the control button to which the designations apply.

703.5 Visual Characters. Visual characters shall comply with 703.5.

703.5.1 Finish and Contrast. Characters and their background shall have a non-glare finish. Characters shall contrast with their background with either light characters on a dark background or dark characters on a light background.

703.5.2 Case. Characters shall be uppercase or lowercase or a combination of both.

703.5.3 Style. Characters shall be conventional in form. Characters shall not be italic, oblique, script, highly decorative, or of other unusual forms.

703.5.4 Character Proportions. Characters shall be selected from fonts where the width of the uppercase letter "O" is 55 percent minimum and 110 percent maximum of the height of the uppercase letter "I".

703.5.5 Character Height. Minimum character height shall comply with Table 703.5.5. Viewing distance shall be measured as the horizontal distance between the character and an obstruction preventing further approach towards the sign. Character height shall be based on the uppercase Letter "I".

Table 703.5.5 Visual Character Height (text version)		
Height to Finish Floor or Ground From Baseline of Character	Horizontal Viewing Distance	Minimum Character Height
40 inches (1015 mm) to less than or equal to 70 inches (1780 mm)	less than 72 inches (1830 mm)	5/8 inch (16 mm)
	72 inches (1830 mm) and greater	5/8 inch (16 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing

		distance above 72 inches (1830 mm)
Greater than 70 inches (1780 mm) to less than or equal to 120 inches (3050 mm)	less than 180 inches (4570 mm)	2 inches (51 mm)
	180 inches (4570 mm) and greater	2 inches (51 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 180 inches (4570 mm)
greater than 120 inches (3050 mm)	less than 21 feet (6400 mm)	3 inches (75 mm)
	21 feet (6400 mm) and greater	3 inches (75 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 21 feet (6400 mm)

703.5.6 Height From Finish Floor or Ground. Visual characters shall be 40 inches (1015 mm) minimum above the finish floor or ground.

EXCEPTION: Visual characters indicating elevator car controls shall not be required to comply with 703.5.6.

703.5.7 Stroke Thickness. Stroke thickness of the uppercase letter "I" shall be 10 percent minimum and 30 percent maximum of the height of the character.

703.5.8 Character Spacing. Character spacing shall be measured between the two closest points of adjacent characters, excluding word spaces. Spacing between individual characters shall be 10 percent minimum and 35 percent maximum of character height.

703.5.9 Line Spacing. Spacing between the baselines of separate lines of characters within a message shall be 135 percent minimum and 170 percent maximum of the character height.

Plant Biotech Building

The Plant Biotech Building is a six-story building, including five floors plus a basement entrance and is used for research labs and classrooms. The Plant Biotech Building and the Ellington Science Building are side by side and the accessible route leads to both buildings. The buildings were built into a hill and the designated accessible route is at the back of the building at the basement level. The Plant Biotech Building was built in 2003. Lab modifications were made to the building in 2005. Accordingly, the Plant Biotech Building is considered a *new facility* under Section 504 and Title II and the ADA Standards for Accessible Design will apply.

Plant Biotech Building – Elements	Date of construction	Date of alterations	Accessibility Standard
Entrances	2003	None. (lab modifications in 2005, no other alternations known.)	ADA Standards for Accessible Design
Designated accessible route(s) (Back parking lot at basement level to door)	2003	None	ADA Standards for Accessible Design
Parking	2003	None	ADA Standards for Accessible Design
Shuttle stops	N/A	N/A	N/A
Signage	2003	None	ADA Standards for Accessible Design

Parking Spaces

There are a total of 16 spaces in the Plant Biotech Building lot, including 6 designated accessible spaces and 3 designated van accessible spaces (Spaces 1, 2, and 4). Spaces 1-4 and Spaces 1-2 are located on one end and Spaces 3-4 on the other end. Spaces 5 and 6 are on a short rise surface lot immediately above Space 4 and on the same level as the designated accessible entrance. Section 4.1.2 of the ADA Standards for Accessible Design states there must be a minimum of one (1) accessible space for parking lots that provide 1-25 spaces. Therefore, the three (3) designated accessible parking spaces satisfies Section 4.1.2 of the ADA Standards for Accessible Design.

OCR also reviewed the designated accessible parking spaces to determine if they met the requirements for the 1991 Standards. Section 4.6.3 of the ADA Standards for Accessible Design states that the minimum width of each space must be 96 inches. Van access aisles must be at least 96 inches. The Plant Biotech Building parking lot measurements are as follows:

Space 1: 114 inches;

Access Aisle 1(van accessible): 111 inches;

Space 2: 106 inches;

Space 3: 103 inches;

Access Aisle 2: 66 inches;

Space 4: 116 inches;

Access Aisle 3: 134 inches;

Space 5: 99 inches;

Access Aisle 4 (van accessible): 145 inches;

Space 6: 113 inches.

The designated accessible parking spaces and access aisles meet the minimum width and number requirements for Section 4.6.3 of the ADA Standards for Accessible Design.

Section 4.6.4 of the ADA Standards for Accessible Design requires that parking signage must be located so they cannot be obscured by a vehicle parked in the space. The signage for spaces 5 and 6 is partly obscured by a bush. As such, this parking space sign may not meet 4.6.4.

Designated Accessible Route

OCR reviewed the accessible route from the accessible parking spaces to accessible entrance. The route from the parking lot to the accessible entrance is on the bottom floor of the Plant Biotech Building. Neither the front nor side entrance are part of the designated accessible route from accessible parking because they are located on a steep slope. There is a ramp from parking spaces 1-4 to parking spaces 5-6 and the accessible entrance. The entrance to the ramp was partially obstructed by a trash can.

OCR reviewed the ramp under the ADA Standards for Accessible Design. There is a landing at the top and bottom of the ramp. The ramp running slope under Section 4.8.2 states that the maximum slope shall be 1:12 or 8.33%. Section 4.8.6 states the maximum cross slope measurement is 1:50 or 2%. The slope measurements for the ramp from bottom to top are:

Measurement 1: 0.4% (running)
 1.2% (cross)

Measurement 2: 7.3% (Running)
 0.9% (Cross)

Measurement 3: 0.8% (Running)
 0.1% (Cross)

Based on these measurements, the ramp slope meets the requirements of Section 4.8.2. However, during its onsite inspection, OCR noted the following compliance concern with respect to this ramp: The width of the top landing is 56 inches, and the length is 27.5 inches; in noncompliance with Section 4.8.4 of the ADA Standards for Accessible Design which require a minimum landing size of 60 by 60 inches.

OCR also reviewed the designated accessible route from the top of the ramp to the designated accessible door under the Section 4.3.7 of the ADA Standards for Accessible Design. The ground surface for the path is stable, firm and slip resistant. The route running slope must not be steeper than 1:20 or 5%. However, the cross-slope of the designated accessible route may not exceed 1:50 or 2%. OCR took 4 measurements of the slope on the upper level from the ramp to the door as follows:

Measurement 1:	6.3% (running) 0.6% (cross)
Measurement 2:	1.9% (running) 0.8% (cross)
Measurement 3:	3.3% (running) 1.8% (cross)
Measurement 4:	3.0% (running) 0.7% (cross)

Measurements 2-4 meet the requirements of Section 4.3.7. However, measurement 1 reflects a 6.3% running slope, in noncompliance with Section 4.3.7 of the ADA Standards for Accessible Design.

Designated Accessible Door

There is a double door at the designated accessible entrance which is located on the designated accessible route. OCR reviewed the door under Section 4.13.5 of the ADA Standards for Accessible Design. Section 4.13.5 requires doors to have a minimum clear opening of 32 inches with the door open 90 degrees. The accessible door is an exterior door with the hinges on the right side. The active door is 33 inches wide and opens 90 degrees, which meets the standards under Section 4.13.5. There is an automatic door opener which takes at least three seconds to open.

The exterior door hardware is a pull handle; the interior hardware is a safety bar. The exterior door hardware is mounted 32 inches above the finished floor. The interior hardware is mounted 40 inches above the finished floor. The interior door opener is mounted 38 inches above the finished floor and the exterior button is mounted 33 inches above the finished floor. Therefore, the door hardware is mounted in compliance with Section 4.13.9 which requires that door hardware is mounted a maximum 48 inches above the finished floor. The threshold is 0.5 inches, which meets the requirements under Section 4.13.8.

Pendergrass Agriculture & Veterinary Medicine Library Parking Lot-Agriculture Campus Arena Shuttle Stop

During Thompson Boling Arena events, patrons who were unable to park on the main campus were directed to the designated accessible parking spaces on Joe Johnson Way in the Pendergrass Agriculture & Veterinary Medicine Library parking lot. The parking lot is considered an *existing facility* because the routes and risers were constructed in 1975. The parking lot was closed on October 7, 2020 for construction and another accessible shuttle loading area and stop is currently under evaluation. The alterations to the parking lot must comply with the 2010 ADA Standards.

Thompson-Boling Arena

The complaint alleged that the University discriminates against persons with disabilities by failing to provide directional signage to direct persons with disabilities to the designated accessible seating areas; designating the G-10 garage as a “premium prepaid” lot which reduced the number of available parking spaces, and providing a shuttle drop off point at Thompson-Boling Arena that is not located adjacent to the nearest designated accessible entrances.

The designated accessible routes from the designated accessible bus stop to Thompson-Boling Arena were originally completed in 2003 and the most recent renovations were completed in 2013. As such, the exterior routes are considered *new construction* and OCR reviewed the accessible route from the shuttle drop off spot to the accessible entrance under the 2010 ADA Standards. The parking shuttles provide service to Thompson-Boling Arena from the nearby agriculture campus. The shuttles park across from Thompson-Boling Arena adjacent to a curb cut and on the designated accessible route to the accessible entrance. Following the event, the shuttle picks up patrons across the road on the side the nearest to Thompson-Boling Arena. During its observation, OCR noted that the designated accessible entrance to Thompson-Boling Arena does not have permanent signage mounted adjacent to the designated accessible entrance. Instead, there is temporary signage with a wheelchair symbol that says “ADA Entrance” that is adjacent to the door on event days. The temporary signage does not comply with Section 216.4.3 of the 2010 ADA Standards or Section 703.5.6 which requires signage to be mounted at least 40 inches above the finished floor.

Thompson-Boling Arena	Date of construction	Date of alterations	Accessibility Standard
Entrances	1987	2018	2010 ADA Standards
Designated accessible route(s)	2003 for sidewalks and crosswalks	2013	2010 ADA Standards
Parking (See separate chart below)			
Shuttle stops	Arena Shuttle stop: 2003 Pendergrast Library: 1975	Arena Shuttle Stop: 2013 Pendergrast Library: Currently under construction	2010 ADA Standards

Thompson-Boling Arena	Date of construction	Date of alterations	Accessibility Standard
Designated accessible seating area(s)	Unknown	Unknown	
Signage	1987	2018	2010 ADA Standards

Designated accessible route from shuttle stop to entrance

OCR reviewed the designated accessible route from the shuttle drop off. The route from the sidewalk to the facility entrance is firm, stable and slip resistant and the sidewalk is 113 inches wide, which meets the minimum 36-inch standard under Section 403.5.1 of the 2010 ADA Standards. The slope measurements from the bus stop to the curb cut are:

Measurement 1: 0.9% (running)
 5.6% (cross)

Measurement 2: 0.9% (running)
 2.8% (cross)

Measurement 3: 2.7% (running)
 1.1% (cross)

Under Section 403.3 of the 2010 ADA Standards, the route running slope must not exceed 1:20 or 5% and the cross-slope of the route must not exceed 1:48 or 2%. OCR determined that the running slopes comply with Section 403.3; however, the first cross-slope in front of the bus stop is 5.6%, in non-compliance with Section 403.3.

There are two curb ramps along the designated accessible route; one curb ramp is located adjacent to the drop off stop from the agriculture campus and the other curb ramp is located on the other side of the crosswalk on the arena sidewalk. There is no island in this crosswalk and the curb ramp does not project into traffic nor is it obstructed by vehicles. The width of the ramp is 57 inches, more than the 36 inch minimum required.

The slope, as measured from the middle, is 0.1% running slope and the cross-slope is 1.5%. This meets the minimum 1:20 or 5%. The curb has two flares at the side. Their measurements are as follows:

Flare 1 (nearest the shuttle stop) is 13.8% running and 11.7% cross. Flare 2 (furthest from the shuttle stop) is 15.2% for the running slope and 12.4% for the cross-slope. The maximum slope for flared sides is 1:10 or 10%. Therefore, this does not comply with the requires of Section 406.3 of the 2010 ADA Standards.

The crosswalk from the shuttle drop-off point to the accessible entrance has a clear route and the following slope:

Measurement 1: 0.6% (running)
2% (cross)

Measurement 2: 0.9% (running)
1.4% (cross)

Measurement 3: 0% (running)
2.7% (cross)

This meets the 5% minimum slope measurement in Section 403.3 of the 2010 Standards.

The curb cut from the crosswalk to the arena entrance sidewalk is 57 inches wide which exceeds the 36-inch minimum required. It does not protrude into traffic, nor is it obstructed by vehicles.

The slope for the curb cut nearest the arena entrance is 19% for the running slope and 2.9% for the cross-slope. There is a running slope of 20.3% for the side away from the arena entrance and a cross-slope of 4.5% which exceeds the requirements of Section 406.3 which states the maximum slope is 1:10 or 10%.

Arena interior and signage to designated accessible seats

OCR also reviewed the directional signs from the designated accessible entrance to the designated accessible seats. Thompson-Boling Arena has three levels: floor, concourse, and skybox. All general admission accessible seating is located on the concourse level; Level 2. The signage directing visitors to the elevator and to the designated accessible seating were last repainted in 2018. As such, the signs are considered *new construction* and OCR reviewed the designated accessible route from the designated accessible entrance to designated accessible seating under the 2010 ADA Standards. From the designated accessible entrance, there is a directional arrow sign to the elevator and the elevator sign stated ADA accessible level is labeled in orange against a dark background. However, the elevator call buttons do not have a raised character or Braille designation next to the control button to call the elevator or underneath the lettering for the floors which does not comply with Section 407.2.3.1 of the 2010 ADA standards.

On the concourse level, there are maps painted on poles. OCR measured one map and the measurements are as follows:

45.5 inches from floor to bottom of map;

79 inches from floor to ADA language in top right corner.

ADA text language is 2.0 inches.

There is wall-mounted signage directing patrons to the seating areas. The signage is mounted at least 40 inches above the finished floor. Wheelchair accessible seating is marked with blue stickers on the floor. Companion seats are also provided by folding chairs. The signage does not comply

with Section 703.5.6 which requires that visual characters shall be mounted at least 40 inches about the finished floor. In addition, the top two rows are reserved for designated accessible seating. The designated accessible seating rows are approximately 3-4 steps down into the arena and are not designated as accessible.

Thompson-Boling Arena Parking Lots

The University has multiple parking lots for students, staff, and commuters. OCR reviewed the parking lots assigned to visitors during Thompson-Boling Arena events to determine if the assigned lots had sufficiently allocated designated accessible parking spaces.

According to the University, the following lots are assigned for parking on the main campus during Arena events: S5 Lot (Near Thompson-Boling Arena), S5 Lot (Near Neyland Stadium), G10 garage, S21 lot, S23 Lot, G4 level of Admin garage, C6/S30 Surface lot.

Thompson-Boling Arena Parking lots (All on main campus)	Date of construction	Date of alterations	Accessibility Standard
S5 Lot (Thompson-Boling Arena)	1988	2020	2010 ADA Standards
S5 Lot (Neyland Stadium)	1960s (exact year unknown)	2020	2010 ADA Standards
G10 Garage	1990 and 1996 (Constructed in two parts)	Scheduled for repainting in 2021	ADA Standards for Accessible Design
S21 Lot	2008	None known.	ADA Standards for Accessible Design
S23 Lot	1980	2020	2010 ADA Standards
Admin Garage, G4 level	1967	2015	2010 ADA Standards
C6/S30 Parking Lot	1967	1970s renovation, plus ongoing repairs and 2020 repainting	2010 ADA Standards

S5 Lot (Near Thompson-Boling Arena)

The S5 Lot (Near Thompson-Boling Arena) is a small surface premium pre-pay lot near Thompson-Boling Arena with 25 spaces. This lot is the only premium access lot listed for Thompson-Boling Arena parking. The lot was constructed in 1988, but repainted on July 17, 2020, therefore the 2010 ADA standards would apply. The 2010 ADA Standards at Section 208.2 requires a minimum of one designated accessible parking lot for the total 25 parking spaces. The

one designated accessible parking space is designated as van accessible. Therefore, the parking in S5 Lot (Arena) provides a sufficient number of parking spaces in compliance with Section 208.2.

S5 Lot (Near Neyland Stadium)

The S5 Lot (Near Neyland Stadium) is a surface parking lot adjacent to Neyland Football Stadium. The lot is separated by a road. The S5 Lot (Near Neyland Stadium) was constructed in the 1960s, but was last repainted on July 1, 2020; therefore, the 2010 ADA Standards apply. There are 86 spaces total parking spaces, including four (4) designated accessible spaces. The 2010 ADA Standards at Section 208.2 requires a minimum of four (4) accessible spaces for parking lots with 76-100 spaces. Therefore, the parking in S5 Lot (Near Neyland Stadium) provides a sufficient number of parking spaces in compliance with Section 208.2.

G10 Garage

The G10 Garage is a six-story garage immediately adjacent to Lot S5 (Near Thompson-Boling Arena). The garage was constructed in two parts; the Westside/Arena part was constructed in 1990 and the Eastside/Neyland Stadium part as constructed in 1996. There is no record of renovation since, but the garage was scheduled to be repainted in summer 2021. Therefore, the ADA Standards for Accessible Design would apply to these alterations. The garage provides a total of 1900 parking spaces, including 40 designated accessible spaces. There are five levels with the following spaces on each level:

- G1-382 spaces (8 designated as accessible; 4 observed)
- G2-380 spaces (8 designated as accessible; 4 observed)
- G3-375 spaces (8 designated as accessible; 4 observed)
- G4-378 spaces (8 designated as accessible; 4 observed)
- G5-385 spaces (12 designated as accessible; 4 observed)

The G-10 Garage provides designated accessible parking on each level of the garage, including at least five (5) designated van accessible spaces. Patrons enter the G-10 Garage at G1 or G4 levels and individuals with mobility disabilities use the elevator to access the top level where there is a ramp that provides access to the Thompson-Boling Arena at the concourse level. The ADA Standards for Accessible Design at Section 4.1.2 require a minimum of 20 spaces for each 1,000 spaces and one space for each additional 100 spaces. For 1,900 parking spaces, the minimum requirement is 29 designated accessible parking spaces. The 40 designated parking accessible in the G-10 Garage meets the requirements of Section 4.1.2 of the ADA Standards for Accessible Design.

OCR also reviewed each level to determine the allocation of designated parking spaces on each level. The ADA Standards for Accessible Design at Section 4.1.2 requires a minimum of eight (8) designated accessible spaces for parking lots with spaces between 301-401. Each level provides at least eight (8) designated accessible spaces; therefore, this meets the requirements of Section 4.1.2.

S21 Lot

The S21 Lot, constructed in 2008, is a surface parking lot adjacent to the Spratt Pavilion and must comply with the ADA Standards for Accessible Design. There are a total of 34 total parking spaces, including three (3) designated accessible spaces. Therefore, the S21 provides the minimum number of designated accessible parking spaces that comply with Section 4.1.2 of ADA Standards for Accessible Design which requires a minimum of two (2) accessible spaces for a total of 26 to 50 parking spaces.

S23 Lot

The S23 Lot is a surface lot is across a road from the S21 Lot. The lot was constructed in 1980 and repainted in April 2020; therefore, the 2010 ADA Standards apply. There are a total of 82 parking spaces, including four (4) accessible spaces. Therefore, this lot provides the minimum number of designated accessible parking spaces in compliance with Section 208.2 of the 2010 ADA Standards that requires a minimum of four (4) accessible spaces for parking lots with total spaces from 76-100.

Admin Garage, G4 level

The Admin Garage is across Phillip Fulmer Way from Thompson-Boling Arena. According to the University, the Admin Garage has multiple levels but only the G4 level is used for Thompson-Boling Arena events. The Admin Garage was constructed in 1967 and was last repaved in July 2015; therefore, the 2010 ADA Standards apply. There are 282 total spaces on this level, including 15 designated accessible spaces which complies with Section 208.2 of the 2010 ADA Standards which requires a minimum of seven (7) accessible spaces for lots with a total of 201-300 spaces.

C6/S30 Parking Lot

The C6/S30 parking lot is surface lot is also across Phillip Fulmer way from Thompson-Boling Arena. S30 is the only portion of the lot available for Thompson-Boling Arena parking. The C6/S30 parking lot was constructed in 1967, renovated in the 1970s, and repaired on an ongoing basis as needed. The lot was repainted on July 16, 2020; therefore, the 2010 ADA standards apply. The S30 lot is primarily a large flat surface lot, but also includes a small physically separate lot adjacent to the hearing and speech center. The small lot is separated from the larger surface lot by a small hill and a stairway. The lot includes a total of 547 parking spaces, including 9 designated accessible spaces. There are four (4) designated accessible spaces in the large surface lot and five (5) designated accessible parking spaces in the hearing and speech center lot. This lot provides a total of designated accessible spaces; therefore, the C6/S30 lot does not comply with Section 208.2 of the 2010 ADA Standards which requires a minimum of 2% of the total parking provided in each structure or 11 spaces.

Analysis

Based on its investigation conducted to date, OCR notes preliminary concerns that warrant entering into a resolution agreement at this stage. Specifically, the designated accessible route to

the Plant Biotech Building does not meet the ADA Standards for Accessible Design; the shuttle drop-off site at the Agriculture campus does not provide a designated accessible route from the parking lot to the shuttle stop; the Thompson-Boing Arena does not have accessible signage to direct patrons to the designated accessible entrance and seating; and one of the Thompson-Boling Arena parking lots does not provide the minimum number of designated accessible parking spaces in compliance with Section 208.2 of the 2010 ADA Standards.

Prior to OCR's completion of the investigation, the University expressed an interest in resolving the complaint pursuant to Section 302 of OCR's *Case Processing Manual*, and OCR determined that it would be appropriate to resolve this complaint under Section 302 because OCR's investigation had identified compliance concerns that could be addressed through a resolution agreement.

Conclusion

This concludes OCR's investigation of the complaint and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. Once implemented, the enclosed Resolution Agreement, will resolve the compliance concerns identified during this investigation.

Please be advised that the University may not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we 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.

The Complainant may have a right to file a private suit in Federal court whether or not OCR finds a violation.

If you have any questions, please contact the assigned investigating attorney, Malicia Hitch at 470-231-1994 or by email at malicia.hitch@ed.gov or me at 202-987-0007.

Sincerely,

Scott R. Sausser
Supervisory General Attorney

CC: XXXXX, University Counsel: XXXXX