

RESOLUTION AGREEMENT

University of Tennessee (Tennessee) OCR Complaint No. 04-14-2391

The U.S. Department of Education, Office for Civil Rights (OCR) and the University of Tennessee enter into this resolution agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the University agreed to resolve OCR Complaint No. 04-14-2391 pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, the University voluntarily agrees to the following actions. All modifications necessary to provide access pursuant to this Agreement will be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design¹ or any accessibility standard that provides equivalent or greater access to individuals with disabilities².

Pursuant to Section 302 of OCR's *Case Processing Manual*, to resolve the issues of this complaint, the University agrees to implement the following corrective actions.

Accessibility Plan

Initial Report

1. Within sixty (60) days of signing this Agreement, the University will confer with an individual who is knowledgeable about the architectural accessibility requirements of Section 504 and Title II.
2. Within one hundred and eighty (180) days of signing this Agreement, the University will conduct an accessibility survey of the parking facilities that serve the Plant Biotech Building and Thompson-Boling Arena to determine whether the following locations identified in the complaint (Complainant Areas) are accessible and useable by individuals with disabilities:

¹ Located at: <https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm> (Last accessed 8/31/2022)

² For existing facilities (i.e., any facility the construction or alteration of which was commenced before June 3, 1977), each element of a facility need not be readily accessible and usable to individuals with disabilities. Instead, each program or activity is to be operated so that the program or activity, when viewed in its entirety, is readily accessible and usable. Federal facility accessibility standards may be used as a guide to understanding whether persons with disabilities can participate in the program, activity, or service. See 34 C.F.R. § 104.22. If the University chooses to make alterations or construct new facilities in order to make the program or activity readily accessible or usable, such alterations or new construction will be made in compliance with the 2010 ADA Standards.

- a. The accessible parking and accessible route to the accessible entrance at the Plant Biotech Building;
- b. The new accessible parking and accessible route to the shuttle stop at the Agriculture campus for Thompson-Boling Arena events (The previous shuttle stop at the Pendergrass Agriculture & Veterinary Medicine Library Parking lot closed on October 7, 2020 and the University is currently considering a new pick-up site);
- c. The accessible path to the entrance of Thompson-Boling Arena, the accessible entrance, signage, and the accessible path to accessible seating;
- d. Parking facilities that are assigned for parking on the main campus during Thompson-Boling Arena events; specifically, the S5 Lot (Near Thompson-Boling Arena), S5 Lot (Near Neyland Stadium), S21 lot, S23 Lot, G3 level of Admin garage, G4 level of Admin garage, S30 Surface lot, and G10 garage.

The University will review the Complaint Areas and develop a written report (Initial Report) identifying the findings from the self-assessment. The Initial Report shall include, but not be limited to, the following components:

- a. Which accessibility standard was used in the analysis and why this standard was used, along with any relevant supporting documentation (e.g., construction dates);
- b. Relevant measurements, photographs, diagrams, technical drawings, etc., the University considered during its analysis;
- c. The identity of which Complaint Areas require modification or alterations to ensure they are readily accessible to and useable by persons with mobility disabilities; and
- d. The modifications necessary to ensure the Complaint Areas are readily accessible to and useable by individuals with disabilities and the proposed steps the University will take to modify or alter these areas to ensure they are readily accessible.

REPORTING REQUIREMENT: Within thirty (30) days of the completion of the Initial Report pursuant to Item 2, the University will submit the Initial Report to OCR.

Final Report

1. Within twelve (12) months of the University's submission of the Initial Report to OCR, the University will submit a final report (Final Report) demonstrating the completion of the modifications or alterations identified in the Initial Report. This Final Report shall include such documentation that is sufficient to show the Complaint Areas are in compliance with Section 504 and Title II, including, but not limited to: measurements, photographs, technical drawings, work orders, and invoices. For each Complaint Area that the University's Initial Report identifies as a new facility requiring alterations or modifications, the Final Report shall

demonstrate that the modifications or alterations to the Complaint Area comply with the specific requirements of the 2010 ADA Standards below.

A. Parking Facilities

- a. Ensure that accessible parking spaces are 96 inches wide minimum and van parking spaces are 132 inches wide minimum, marked to define the width, and have an adjacent access aisle. *See* 2010 ADA Standards § 502.2.
- b. Provide for access aisles serving car and van parking spaces that do not overlap the vehicular way and that are 60 inches wide minimum, extend the full length of the parking spaces they serve, and are marked so as to discourage parking in them. *See* 2010 ADA Standards §§ 502.3 and 502.3.4.
- c. Provide for an adequate number of accessible spaces, including van accessible spaces. *See* 2010 ADA Standards § 208.2 and 208.2.4.
- d. Ensure that each parking facility that services a particular building or facility is located on the shortest accessible route from the parking to an accessible entrance. Where parking serves more than one accessible entrance, ensure that parking spaces are dispersed and located on the shortest accessible route to the accessible entrances. *See* 2010 ADA Standards §§ 208.3, 206.4, and 402.
- e. Ensure that parking spaces and the access aisles serving them are at the same level and are stable, firm, and slip resistant. *See* 2010 ADA Standards §§ 502.4 and 302.
- f. Ensure that parking spaces for vans and access aisles and vehicular routes serving them provide a vertical clearance of 98 inches minimum. *See* 2010 ADA Standards § 502.5.

B. Accessible Route

- a. Ensure that the running slope of walking surfaces is not steeper than 1:20 and the cross slope of walking surfaces is not steeper than 1:48. Changes in level greater than ½ inch high shall be ramped. *See* 2010 ADA Standards §§ 303.4 and 403.3.
- b. Ensure that the clear width of walking surfaces are 36 inches minimum. *See* 2010 ADA Standards § 403.5.1.
- c. Ensure that the 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 and the curb ramp flares should not be steeper than 1:10. *See* 2010 ADA Standards §§ 406.2, 406.3.

- d. Ensure that the directional sign visual characters are at least 40 inches from the ground, that the characters have a non-glare finish, contrast with their background with either light characters on a dark background or dark characters on a light background. *See* 2010 ADA Standards §§ 216.4.3, 703.5.6 and 703.7.1.

C. Ramps

- a. Ensure that maneuvering clearance at the top level of the ramp complies with Table 404.2.4.1 of the 2010 ADA Standards. *See* 2010 ADA Standards § 404.2.4.1
- b. Ensure that the ramp is at least 36 inches wide. *See* 2010 ADA Standards § 405.5.
- c. Ensure that the surface is stable, firm, and slip-resistant. *See* 2010 ADA Standards §§ 405.4 and 302.
- d. For each section of the ramp, ensure the running slope is no greater than 1:12. Rises no greater than 3 inches with a slope no steeper than 1:8 and rises no greater than 6 inches with a slope no steeper than 1:10 are permitted when such slopes are necessary due to space limitations. *See* 2010 ADA Standards § 405.2.
- e. Ensure there are level landings at the top and bottom of the ramp that are at least 60 inches long and at least as wide as the ramp. *See* 2010 ADA Standards §§ 405.7.2 and 405.7.3.
- f. Ensure there is a level landing where the ramp changes direction that is at least 60 x 60 inches. *See* 2010 ADA Standards § 405.7.4
- g. If the ramp has a rise higher than 6 inches, ensure that handrails are on both sides. *See* 2010 ADA Standards § 405.8.
- h. For handrails: ensure that the top of the handrail gripping surface is no less than 34 inches and no greater than 38 inches above the ramp surface; ensure that the handrail gripping surface is continuous and not obstructed along the top or sides; if there are obstructions, ensure that the bottom of the gripping surface is obstructed no greater than 20%; if the handrail gripping surface is circular, ensure it is no less than 1¼ inches and no greater than 2 inches in diameter; if the handrail gripping surface is non-circular, ensure the perimeter is no less than 4 inches and no greater than 6¼ inches and the cross section is no greater than 2 ¼ inches; ensure the handrail extends at least 12 inches horizontally beyond

the top and bottom of the ramp and returns to a wall, guard, or landing surface. *See* 2010 ADA Standards §§ 505.4, 505.3, 505.6, 505.7.1, 505.7.2, and 505.10.1.

- i. Ensure that that the surface of the ramp extends at least 12 inches beyond the inside face of the handrail or that there is a curb or barrier that prevents the passage of a 4-inch diameter sphere. *See* 2010 ADA Standards §§ 405.9.1 and 405.9.2.

D. Entrances

- a. Ensure that thresholds are ½ inch high maximum and that raised thresholds and changes in level at doorways are stable, firm, and slip resistant. *See* 2010 ADA Standards § 404.2.5.
- b. Ensure that maneuvering clearances comply with Table 404.2.4.1 of the 2010 ADA Standards. *See* 2010 ADA Standards § 404.2.4.1.
- c. Ensure that changes in level between ¼ inch high minimum and ½ inch high maximum are beveled with a slope not steeper than 1:2. *See* 2010 ADA Standards §§ 404.2.5 and 303.3.
- d. Ensure that the maximum force for pushing or pulling open a door is 5 pounds maximum (Exterior doors are excepted and may exceed 5 pounds maximum. The force for pushing or pulling open a door or gate other than fire doors must comply with § 404.2.9.); that operable parts are operable with one hand and do not require tight grasping, pinching, or twisting of the wrist; and that operable parts of the door hardware are no less than 34 inches and no greater than 48 inches above the finish floor or ground. *See* 2010 ADA Standards §§ 404.2.7, 404.2.9, and 309.4.
- e. If the door has a closer, ensure that it takes at least 5 seconds to close from an open position of 90 degrees to a position of 12 degrees from the latch. *See* 2010 ADA Standards § 404.2.8.

REPORTING REQUIREMENT: The University will submit progress reports every sixty (60) days to OCR that provide status updates on the implementation of this Agreement, including the completion of any renovations or modifications to the Complaint Areas, as applicable. These reports will include a description of the work performed, along with blueprints, photographs (with dimensions, as applicable) and copies of any invoices or work orders (if available). The University will continue to provide OCR with progress reports until the Agreement has been fully implemented and any work to be done under the Agreement has been completed.

The University understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement.

Further, the University understands that during the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms and obligations of the Agreement. Upon the University's satisfaction of the commitments made under the Agreement, OCR will close the case.

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 such proceedings, OCR will give the University 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 University President or his designee below.

University President or Designee

Date