

Resolution Agreement
OCR Case No. 05-15-2091
University of Wisconsin - LaCrosse

The University of Wisconsin – LaCrosse submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced compliance review, and to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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), 42 U.S.C. §§12131-1234, and its implementing regulation at 28 C.F.R. Part 35.

In the most expeditious manner, but by the beginning of the 2015-2016 academic year, the University will continue to ensure that the Textbook Rental Service is readily accessible to persons with disabilities until the new Student Center is constructed. The University may comply with this requirement, called program access, through the redesign of equipment, reassignment of services to accessible buildings, alteration of existing facilities and construction of new facilities, or any other method that results in making each of its programs and activities accessible to persons with disabilities. The University is not required to make structural changes in existing facilities where other methods are effective in achieving compliance.

Notice

- A. If the University elects to reassign programs and activities to accessible buildings from existing facilities that are inaccessible, the University will provide notice to interested persons of its election to provide program access in that manner. It should provide notice in conformance with the Section 504 regulation at § 104.22(f) (under "existing facilities") and the regulation implementing Title II at 28 C.F.R. § 35.163(a)¹.

New Construction²

- B. By January 15, 2017, the University will complete construction of its Student Center to ensure that such facilities are readily accessible to and usable by individuals with disabilities. Specifically, the University will ensure that the Textbook Rental Services are accessible to students with disabilities. The new construction will conform to the standards for new construction of the 2010 ADA Standards for Accessible Design.

¹ Section 504 at 104.22(f) (under "existing facilities") also provides that "the recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities." The implementing regulation of Title II, at 28 C.F.R. § 35.163(a) provides that public entities must also ensure that interested persons, including persons with impaired vision or hearing, can obtain information about the existence and location of accessible services, activities and facilities. The regulation further requires that covered entities provide signs at all inaccessible facility entrances to direct users to an accessible entrance or a location where they can obtain information about accessible facilities. The international symbol of accessibility (ISA) must be used at each facility entrance that is designated as accessible.

² The Section 504 regulations at 34 C.F.R. § 104.23 apply to any facility or part of a facility where construction was commenced on or after June 3, 1977.

REPORTING REQUIREMENTS:

1. By August 28, 2015, the University will inform OCR whether it has determined if it will reassign programs and activities to accessible buildings from existing facilities that are inaccessible, and will provide OCR with a copy of its notice, in accordance with Item A of this Agreement, and its plan for publication of the Notice.
2. By January 31, 2017, the University will provide OCR with documentation that it has complied with Item B of this Agreement.

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 its campus, interview University 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, 104.22 and 34 C.F.R. § 104.23(b), and Title II and the ADA Standards, at 28 C.F.R. § 35.151(c)(3) which were at issue in this complaint.

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 504 at 34 C.F.R. §§ 104.21, 104.22 and 34 C.F.R. § 104.23(b) and Title II and the ADA Standards, at 28 C.F.R. § 35.151(c)(3), 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For the University

Date