



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Mr. E. Joseph Savoie, President
University of Louisiana at Lafayette
104 E. University Circle
Lafayette, LA 70503

RE: OCR Case No. 06142345
University of Louisiana at Lafayette

Dear Mr. Savoie:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint, received by OCR on July 21, 2014, and filed against the University of Louisiana at Lafayette (UL at Lafayette), Lafayette, Louisiana. The complainant alleged that the UL at Lafayette discriminates on the basis of disability. Specifically, the complainant alleged that there are no parking spaces for mobility impaired persons near UL at Lafayette's bus stop (near Cajun Field) and that the bus stop is completely unusable by persons with mobility impairments. The complainant also alleged that "UL at Lafayette fails to ticket illegal parking during football games and that there are boxes, trailers, and all sorts of things blocking the spaces." On November 6, 2014, OCR notified the parties that it would investigate the following issues:

1. Whether individuals with disabilities are denied the benefits of, excluded from participation in or otherwise subjected to discrimination by the University of Louisiana, because it prohibits the use of the requisite number of designated disabled parking spaces at the University's football stadium (i.e., due to tailgaters during football games and other large impediments blocking the accessible parking spots) in violation of Section 504, at 34 C.F.R. §§ 104.21 - 104.23, and Title II, at 28 C.F.R. §§ 35.149 – 35.151; and
2. Whether individuals with disabilities are denied the benefits of, excluded from participation in or otherwise subjected to discrimination by the University of Louisiana, because it fails to provide an accessible bus shelter and requisite number of designated disabled parking spaces in the parking area serving the bus stop near Cajun Field (i.e., the bus shelter is not accessible and there are no accessible parking spaces near the bus shelter) in violation of Section 504, at 34 C.F.R. §§ 104.21 - 104.23, and Title II, at 28 C.F.R. §§ 35.149 – 35.151.

This agency is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to this Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations, at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. In addition, OCR is responsible for enforcing Title II of

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The UL at Lafayette is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdictional authority to investigate allegations of disability discrimination filed against the UL at Lafayette under Section 504 and Title II

Prior to the receipt of any data in response to OCR's data request regarding the issues investigated, on November 21, 2014, the UL at Lafayette requested to voluntarily resolve the complaint allegations prior to OCR's completion of its investigation. Section 302 of OCR's *Case Processing Manual (CPM)* provides that a complaint may be resolved when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. OCR should inform the recipient that this process is voluntary. OCR's determination that it is appropriate to resolve the complaint during the course of an investigation must be approved by the Office Director or designee. The Regional Director approved the UL at Lafayette's aforementioned request on December 5, 2014. Consistent with Section 302 of the *CPM*, the UL at Lafayette submitted the enclosed Resolution Agreement (Agreement) on January 15, 2015, which OCR has determined addresses the compliance issues alleged in the complaint and which, when fully implemented, will resolve this complaint.

Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding the issues of this complaint. However, OCR will actively monitor the UL at Lafayette's implementation of the Agreement to determine whether the commitments made therein have been implemented consistently with the terms of the Agreement. Please be advised that if the UL at Lafayette fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

Effective the date of this letter, OCR is closing the investigative portion of this case. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Please also note that you may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under OCR procedures, we are obligated to advise you and the institution against whom the complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings or hearing held in connection with a complaint.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions or concerns, please contact Mrs. Sharon A. Gilmore, Equal Opportunity Specialist, at (214) 661-9616, or Adriane Martin, Team Leader, at (214) 661-9678.

Sincerely,

Taylor D. August
Director, Dallas Office
Office for Civil Rights

Enc: as stated