

**Resolution Agreement**  
**University of the Incarnate Word**  
**OCR Complaint No. 06172026**

The U.S. Department of Education, Office for Civil Rights (OCR) and the University of the Incarnate Word (UIW) enter into this resolution agreement (Agreement) to resolve the issue opened for investigation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the UIW. The UIW assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability.

Prior to the completion of OCR's investigation, the UIW agreed to voluntarily resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual.

All structural changes or modifications to the facilities indicated below (e.g., all references to modifications meeting "appropriate specifications") will be constructed in accordance with the U.S. Department of Justice's 2010 Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (2010 Standards) and for those facilities constructed prior to 2010, that have not undergone substantial modification, the standard then and there in place at the time of construction. Accordingly, the UIW agrees to take the following actions:

**ACTION ITEM 1 – Main Entrance (Broadway Street)**

Make necessary repairs/modifications to the existing route between the VIA Metropolitan Transit Authority (VIA) bus stop located on Broadway Street and the accessible entrance to UIW's Administration Building, the UIW will correct the non-compliant conditions, ensuring compliance with appropriate specifications for handrails, ramp run lengths, rises, slopes, cross slopes, landings, and surface areas.

**REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

**ACTION ITEM 2 – Theater Complex**

- a. Make necessary repairs/modifications to the existing route between the VIA Trans (i.e., VIA shared ride) drop-off location and the UIW's Theater Complex accessible entrance. Modifications will include replacing or modifying the existing handrail along the existing ramp to comply with appropriate specifications for handrails. The route will as modified comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.
- b. Provide additional signage as required to clearly define the accessible route between the

Theater Complex and the academic buildings located west of the UIW’s Theater Complex (i.e., AT&T Science Center, Bonilla Science Hall, and Gorman Center, Frank Nursing Building). The route will as modified comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps. The resulting accessible route will avoid interfering with access to the public utility easement located in the area of the stairwell between the Theater complex and Bonilla Science Hall which houses the main electrical transformers and gas lines that serve the Theater complex and Bonilla Science Hall.

- c. Make necessary repairs/modifications to the existing route between the Theater Complex accessible entrance and accessible parking adjacent to the Theater Complex. The route will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.
- d. Replace or modify the existing handrails on the ramp in front of the Theater Complex entrance. The handrails will as modified comply with the appropriate specifications for handrails.
- e. Install directional signage identifying the accessible route(s) for the Theater Complex. The signage will comply with appropriate specifications for signage.

### **REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

### **ACTION ITEM 3 – Cheever Theatre/Coates Theatre**

- a. Install directional signage identifying the nearest accessible entrance next to all non-accessible entrances. The signage will comply with appropriate specifications for signage.
- b. Make necessary repairs/modifications along the existing route from the Cheever Theater/Coates Theater to the Concert Hall. The resulting route will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.
- c. Make necessary repairs/modifications along the existing route from the Cheever Theater/Coates Theater to the Kelso Arts Center. The resulting route will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.

### **REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

#### **ACTION ITEM 4 – Kelso Arts Center**

Install directional signage identifying the nearest accessible entrance next to all non-accessible entrances. The signage will comply with appropriate specifications for signage.

#### **REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

#### **ACTION ITEM 5 – Administration Building**

In connection with the UIW's planned renovation of the Administration Building, the UIW will ensure the Administration Building renovation complies with the 2010 Standards, including repair/modification of the following:

- a. Install directional signage identifying the nearest accessible entrance next to all non-accessible entrances to the Administration Building. The signage will comply with appropriate specifications for signage.
- b. Replace the ramp at the back entrance of the Administration Building. The ramp will as modified comply with appropriate specifications for handrails, ramp run lengths, rises, slopes, cross slopes, landings, and surface areas.
- c. Along the designated accessible route between the Administration Building and the Theater Complex replace the handrails on the ramp. The handrails will as modified comply with appropriate specifications for handrails.
- d. Construct an accessible entrance to the Student Support Center that complies with appropriate specifications for doors and entrances.
- e. Construct an accessible route between the new accessible entrance to the Student Support Center and the Financial Aid Offices in the Administration Building. The route will as modified comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.
- f. Construct an accessible route between the Administration Building and the plaza/rest area in front of the Administration Building. The route will as modified comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.

#### **REPORTING REQUIREMENTS**

**By July 31, 2025**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

**ACTION ITEM 6 – Ancira Parking Tower**

- a. Make necessary repairs/modifications to the existing route between the Ancira Parking Tower and the Skyview Residence Hall. The route will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.
- b. Make necessary repairs/modifications to the existing route between the Ancira Parking Tower and the Joeris Residence Hall. The route as modified will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.

**REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

**ACTION ITEM 7 – Skyview and Joeris Residence Halls**

Make necessary repairs/modifications to the existing route between the Skyview and Joeris residence halls. The route as modified will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.

**REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

**ACTION ITEM 8 – Grossman International Conference Center (ICC) and Parking Lot**

- a. Re-mount signage designating accessible parking spaces. Ensure accessible parking signage is mounted at the height required by the signage appropriate specifications.
- b. Make repairs/modifications as necessary to the existing route between the ICC and the academic buildings located on the east side of campus (i.e., AT&T Science Center, Bonilla Science Hall, and Gorman Center, Frank Nursing Building). The route as modified will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.

**REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

**ACTION ITEM 9 – MCCOMBS CENTER**

- a. Along the current route between the VIA Trans bus stop located on the first floor of the McCombs Center Garage and the elevator banks in that garage, the UIW will make repairs/modifications in compliance with the 2010 Standards, including providing detectable warnings at the approach to the bus stop.
- b. Along the current route between the VIA bus stop located on Hildebrand Avenue and the ICC accessible entrance, UIW will make repairs/modifications. The route as modified/repared will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.

**REPORTING REQUIREMENTS**

By July 31, 2022, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

**ACTION ITEM 10 – Bonilla Science Hall**

Along the current route between the Bonilla Science Hall and accessible parking spaces adjacent to the Bonilla Science Hall, UIW will make repairs/modifications. The route as modified/repared will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.

**REPORTING REQUIREMENTS**

By July 31, 2022, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

**ACTION ITEM 11 – Dubuis Residence Hall and Lawn, and Joyce Design and Technology Center**

- a. In connection with the UIW’s planned renovation of the Dubuis Residence Hall, the UIW will ensure there is a compliant, accessible route per the 2010 Standards between the Dubuis Residence Hall and the Joyce Design and Technology Center. The route will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps.
- b. Remove the 1-inch rise at the bottom of the ramp leading to the accessible entrance to the Joyce Design and Technology Center.

### **REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

### **ACTION ITEM 12 – Clement Hall**

- a. Repair/modify the existing entrance to Clement Hall as necessary to ensure that it complies with appropriate specifications for doors and entrances.
- b. Replace or modify the existing handrails on both ramps connected to Clement Hall. The handrails will comply with appropriate specifications for handrails.
- c. Expand the landing at the bottom of the ramp leading to Clement Hall located between Clement Hall and the Gorman Center. The landing will comply with the appropriate specifications for landings.

### **REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

### **ACTION ITEM 13 – REST AREAS**

Renovate all rest areas (i.e., areas with a group of picnic tables) on UIW’s campus to make them accessible to disabled individuals in accordance with Dining Surfaces and Work Surfaces (sections 226 & 902) of the 2010 Standards. Ensure each rest area, in accordance with appropriate specifications, includes the following:

- a. An accessible route leading to the rest area and an accessible route connecting to at least 5 percent of the accessible seating in the rest area, in accordance with Dining Surfaces and Work Surfaces (sections 226 & 902) of the 2010 Standards;
- b. Access to accessible picnic tables by removing a sufficient amount of the barriers that enclose the rest area (i.e., raised borders around rest areas);
- c. Firm and stable ground surface;
- d. Access to picnic tables with at least one wheelchair space with knee and toe clearance under the table; and
- e. Sufficient passing room between picnic tables and other seating in the rest area.

### **REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

### **ACTION ITEM 14 – Agnese/Sosa Residence Hall**

In the parking lot between Agnese/Sosa Residence Hall and the Student Engagement Center, move the curb ramp currently located in the access aisle of an accessible parking space. The location the UIW selects for the curb ramp will comply with appropriate specifications for curb ramps and parking spaces.

### **REPORTING REQUIREMENTS**

**By July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

### **ACTION ITEM 15 – OTHER CAMPUS CONCERNS**

- a. The UIW will implement practices and procedures to ensure accessible parking spaces are not blocked by UIW vehicles.
- b. The UIW will implement practices and procedures to ensure all accessible entrances remain unlocked for classes, events and activities to the same extent that non-accessible entrances are unlocked for classes, events and activities in all of the UIW's buildings.
- c. Make repairs/modifications as necessary to the existing route between the UIW's facilities on the west side of campus (e.g., McCombs Center, Skyview Hall, Joeris Hall, ICC and Avoca Apartments) and the UIW's facilities on the east side of campus (e.g., Theater Complex, Administration Building, Gorman Center, Mabee Library). The route as repaired/modified will comply with appropriate specifications for handrails, ramp run lengths, rises, slopes, cross slopes, landings, and surface areas. The route will comply with appropriate specifications for walking surfaces, doorways, ramps, and curb ramps. The repairs/modifications will correct any non-compliant conditions on the existing route or the construction of a new ramp along the designated accessible route that enables mobility impaired individuals to access the bridge that connects the west and east sides of the UIW campus.
- d. Designate additional, or move existing, accessible parking spaces in the following areas:
  - o McCombs Center Garage: Add one van accessible parking space with appropriate accessible aisles, on an accessible route closest to the accessible entrance. All parking spaces will display the international symbol of accessibility and be

mounted in accordance with appropriate signage specifications.

- Parking Lot Adjacent to Frank Nursing Building: Add one accessible parking space, and one van accessible parking space with appropriate accessible aisles, on an accessible route closest to the accessible entrance. All parking spaces will display the international symbol of accessibility and be mounted in accordance with appropriate signage specifications.
- Parking Lot in Front of Administration Building: Add one van accessible parking space with appropriate accessible aisles, on an accessible route closest to the accessible entrance. All parking spaces will display the international symbol of accessibility and be mounted in accordance with appropriate signage specifications.
- Parking Lot Adjacent to Kelso Arts Center: Add one van accessible parking space with appropriate accessible aisles, on an accessible route closest to the accessible entrance. All parking spaces will display the international symbol of accessibility and be mounted in accordance with appropriate signage specifications.
- Parking Lot Adjacent to Cervera Wellness Center: Add one accessible parking space, and one van accessible parking spaces with appropriate accessible aisles, on an accessible route closest to the accessible entrance. All parking spaces will display the international symbol of accessibility and be mounted in accordance with appropriate signage specifications.
- parking spaces in accordance with appropriate specifications. Disbursement of the accessible spaces shall include appropriate accessible aisles, on an accessible route closest to the accessible entrance. All parking spaces will display the international symbol of accessibility and be mounted in accordance with appropriate signage specifications.
- Parking Lot Behind Dubuis Residence Hall: Add two accessible parking spaces, and one van accessible parking space with appropriate accessible aisles, on an accessible route closest to the accessible entrance, to meet the requisite number of accessible parking spaces in accordance with appropriate specifications. All parking spaces will display the international symbol of accessibility and be mounted in accordance with appropriate signage specifications.
- Ancira Garage: Add nine accessible parking spaces, and two van accessible parking spaces with appropriate accessible aisles, to meet the requisite number of accessible parking spaces in accordance with appropriate specifications. Accessible parking spaces will be dispersed on different levels of the garage, on the shortest accessible route to an accessible entrance. All parking spaces will display the international symbol of accessibility and be mounted in accordance with appropriate signage specifications.



**REPORTING REQUIREMENTS**

Regarding Action Items 15(a) and (b), **by January 1, 2021**, the UIW will provide OCR, for its review and approval, a draft of its practices and procedures as referenced in Action Item 15(a) and (b) above.

**Within (60) days** of OCR’s approval of the practices and procedures, the UIW will provide documentation to OCR demonstrating it has implemented such practices and procedures. The documentation submitted to OCR will include the following: (1) printouts or a link to all online publications of the revised policies; and (2) an e-mail from the UIW president to all UIW staff and students providing a copy of, or a link to, the revised practices and procedures.

Regarding Action Items 15(c) and 15(d), **by July 31, 2022**, the UIW shall submit a report including measurements, photographs, technical drawings, work orders, invoices, reports, and other documentation sufficient to show compliance with this Action Item.

The UIW understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the UIW understands that during the monitoring of the Agreement, if necessary, OCR may visit the UIW, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the UIW’s satisfaction of the commitments made under the Agreement, OCR will close the case.

C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the NMCC 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 UIW’s representative below.

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Dr. Thomas M. Evans, President  
University of the Incarnate Word

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Date