

Resolution Agreement
Baylor University
OCR Complaint #06-19-2074

The U.S. Department of Education, Office for Civil Rights, (OCR) and Baylor University (the University) enter into this resolution agreement (Agreement) to voluntarily resolve 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 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance.

The University will ensure that any new facilities or part of a facility will be constructed in accordance with the U.S. Department of Justice (DOJ) adopted accessibility guidelines. The DOJ's 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards) became effective on March 15, 2012. Compliance with the 2010 Standards is required for new construction and alterations that were initiated on or after March 15, 2012. Prior to the 2010 Standards, the effective standards for new construction were the American National Standards Institute, effective June 3, 1977, the Uniform Federal Accessibility Standards (UFAS), effective January 18, 1991, and the 1991 Americans with Disabilities Act Accessibility Guidelines (1991 or ADAAG), effective January 26, 1992.

Unless otherwise noted, all structural changes or modifications to existing facilities pursuant to the Agreement will be in accordance with the technical and scoping requirements of the 2010 Standards referenced above.¹ New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

Prior to the completion of OCR's investigation, the University agreed to voluntarily resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the University agrees to take the following actions:

Action Item #1 – Accessible Parking Self-Evaluation

The University will conduct a self-evaluation of the three parking lots used by Jones Concert Hall patrons (the McCray Music Building parking lot, the Theater Building parking lot, and the Moody Library parking lot) to determine whether they comply with the governing accessibility standard (i.e., ANSI², UFAS³, 1991 Standards⁴ or the 2010 Standards for accessibility), and to determine whether modifications are required to comply with the accessibility standards. The University will provide the appropriate number of accessible parking spaces in each of the parking lots, including

¹ The 2010 Standards can be accessed at this DOJ website: www.ada.gov/2010ADASTandards_index.htm.

² American National Standards Institute (ANSI) Standards (A117.1-1961, reaffirmed 1971).

³ Uniform Federal Accessibility Standards (UFAS), <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

⁴ 1991 ADA Standards for Accessible Design (1991 Standards), https://www.ada.gov/1991ADASTandards_index.htm.

van-accessible parking spaces, located on the shortest accessible route of travel to an accessible entrance of a building(s) served by the parking area. Parking spaces shall be signed with the international symbol of accessibility with van-accessible spaces designated “van- accessible.”

- a) **Within 90 days** of the signing of this Agreement, the University will submit to OCR a detailed report documenting its self-evaluation of each identified parking lot and its Action Plan for correcting any compliance problems found during the self-evaluation. The report shall include a separate evaluation for each of the three parking lots referenced above and shall include, but not be limited to, the following:
 - i. The governing standard for the parking lot at the time the self-evaluation is initiated,⁵ including the specific date and year when the parking lot was last modified.
 - ii. The number of accessible spots presently.
 - iii. The number of van-accessible spots presently.
 - iv. If the parking lot does not meet the governing accessibility standard, the number of accessible spots, including van accessible spots, necessary for compliance with the 2010 Standards.
 - v. A description of the necessary modifications for ramps, accessible lanes, and other renovations besides accessible spots to ensure compliance.
 - vi. An estimated date to begin the project.
 - vii. An estimated date to complete the project, subject to Reporting Requirement 1(c).
- b) **Within 180 days** of the University’s submission responsive to Reporting Requirement 1(a) above, the University will submit a written report to OCR summarizing the actions the University has taken thus far regarding its Action Plan to comply with this Agreement. The report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.
- c) **Within 365 days** of the University’s submission responsive to Reporting Requirement 1(a) above, the University will submit a report to OCR reflecting the University has completed all modifications under its Action Plan. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices, proof of efforts to secure funding/assistance for structural renovations or equipment, and other such documentation demonstrating full implementation of the Action Plan in compliance with Section 504.

Action Item #2– Entrances and Accessible Routes Self-Evaluation

⁵ If modifications to a parking lot are made as a result of this Agreement, the governing standard for the alterations will be the 2010 Standards.

The University will conduct a self-evaluation of the entrances of the McCray Music Building, which houses Jones Concert Hall, and the routes of travel from the entrances to accessible seating in Jones Concert Hall, to determine whether they comply with the governing accessibility standard (i.e., ANSI⁶, UFAS⁷, 1991 Standards⁸ or the 2010 Standards for accessibility), and to determine whether modifications are required to comply with the accessibility standards. The University will provide appropriate paths of travel and entrances for individuals with disabilities to access seating in the Jones Concert Hall.

- a) **Within 90 days** of the signing of this Agreement, the University will submit to OCR a detailed report documenting its self-evaluation of the McCray Music Building entrances and paths of travel to the Jones Concert Hall and its Action Plan for correcting any compliance problems found during the self-evaluation. The report shall include, but not be limited to, the following:
 - i. The governing standard for the McCray Music Building at the time the self-evaluation is initiated,⁹ including the specific date and year when the McCray Music Building was last modified.
 - ii. The location of each accessible entrance to McCray Music Building.
 - iii. The location of accessible routes from accessible parking spaces, public transportation stops, passenger loading zones if provided, and public streets or sidewalks
 - iv. The location of accessible routes from each accessible entrance of McCray Music Building to accessible seating in Jones Concert Hall.
 - v. If the identified entrances and accessible routes do not meet the governing accessibility standard, a description of necessary modifications and other renovations to ensure compliance with the 2010 Standards.
 - vi. An estimated date to begin the project.
 - vii. An estimated date to complete the project, subject to Reporting Requirement 2(c).
- b) **Within 180 days** of the University's submission responsive to Reporting Requirement 2(a) above, the University will submit a written report to OCR summarizing the actions the University has taken thus far regarding its Action Plan to comply with this Agreement. The report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.

⁶ American National Standards Institute (ANSI) Standards (A117.1-1961, reaffirmed 1971).

⁷ Uniform Federal Accessibility Standards (UFAS), <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

⁸ 1991 ADA Standards for Accessible Design (1991 Standards), https://www.ada.gov/1991ADASTandards_index.htm.

⁹ If modifications to the McCray Music Building or accessible routes of travel are made as a result of this Agreement, the governing standard for the alterations will be the 2010 Standards.

- c) **Within 365 days** of the University's submission responsive to Reporting Requirement 2(a) above, the University will submit a report to OCR reflecting the University has completed all modifications under its Action Plan. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices, proof of efforts to secure funding/assistance for structural renovations or equipment, and other such documentation demonstrating full implementation of the Action Plan in compliance with Section 504.

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504.

The University also 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 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 necessary for OCR to determine whether the University has fulfilled the terms 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 administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceeding to enforce this agreement, OCR shall 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's representative below.

XXXX

Baylor University

Date