

**RESOLUTION AGREEMENT
LANGSTON UNIVERSITY
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07142042**

The Langston University (University), Langston, Oklahoma, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegations against the University in OCR Docket Number 07142042, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35. Before OCR completed its investigation, the University asked to resolve the allegation in the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, and to resolve the allegation of this complaint and any other issues identified by OCR during the course of its investigation of this complaint, the University voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves the allegation in OCR Docket Number 07142042 and does not constitute an admission by the University of any violation of Section 504, Title II, or any other law.

This Agreement shall become effective upon the University's receipt of a letter from OCR advising the University that this Agreement resolves the allegation raised in this complaint.

OCR agrees to discontinue its investigation of OCR Docket Number 07142042 based upon the University's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in this case and any other issues identified by OCR during the course of its investigation.

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.

The University 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 this Agreement. Further, the University understands that during the monitoring of this 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 of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

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 Section 504 and Title II, which were at issue in these cases.

II. RESOLUTION PROVISIONS

PROGRAM AND FACILITY ACCESSIBILITY

1. OCR inspected Sanford Hall and C.F. Gayles Field House, and the parking lots adjacent to each building. OCR inspected the curb ramps along the accessible route to the building entrances from the parking lots and the exterior doors at the building entrances from the parking lots and restrooms in each building.
2. The accessibility requirements of the Section 504 regulation are found at 34 C.F.R. §§ 104.21-104.23. Comparable sections of the Title II regulation are found at 28 C.F.R. §§ 35.149-35.151. Both 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149 provide generally that no qualified individual with a disability shall, because a University's facilities are inaccessible to or unusable by persons with disabilities, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination by that University.
3. Facilities constructed or altered on or after June 3, 1977, but prior to January 18, 1991, must comply with the American National Standards Institute (ANSI) Standards A117.1-1961. Facilities constructed or altered on or after January 18, 1991, but prior to January 26, 1992, must meet the requirements of the Uniform Federal Accessibility Standards (UFAS). Pursuant to the Title II regulation, which was amended on September 10, 2010, and became effective March 15, 2011, physical construction or alterations commenced after July 26, 1992, but prior to September 15, 2010, must comply with either the UFAS or the Americans with Disabilities Act Accessibility Guidelines (1991 Standards).¹
4. In addition, the Title II regulation states that physical construction or alterations commenced on or after September 15, 2010, and before March 15, 2012, may comply with one of the following: 1) the 2010 Standards for

¹The 1991 Standards include the ADAAG standards. The 1991 Standards may be accessed at <http://www.ada.gov/stdspdf.htm>.

Accessible Design (2010 Standards),² 2) the 1991 Standards, or 3) UFAS. For any physical construction or alterations commenced on or after March 15, 2012, the 2010 Standards apply.³

5. The University agrees to execute remedial measures in Sanford Hall and C.F. Gayles Field House and the parking lots adjacent to both buildings to comply with the 2010 Standards for Accessible Design (2010 Standards). The remedial measures will ensure compliance with standards related to the following: a) the number of accessible spaces, including van accessible spaces, and the dimensions of the spaces, b) the access aisles, c) signage, e) on the accessible route from the accessible parking spaces to the accessible entrances serving the parking lot, the exterior doors at the accessible entrances serving the parking lot. The Agreement requires the University to make the entrance doors accessible and make the restrooms in Sanford Hall accessible and make the entrance doors and restrooms on the main floor in the C.F. Gayles Field House accessible.

Remedial Plan

6. The University agrees to develop a remedial plan by which it will execute remedial measures necessary to comply with the following provisions of the 2010 Standards.
 - a. The parking lots for Sanford Hall and C.F. Gayles Field House will have a sufficient number of designated car and van accessible parking spaces, according to the scoping requirements of 208.2 and 208.2.4. Car spaces shall be 96 inches wide minimum and van spaces shall be 132 inches minimum, according to 502.2.
 - b. Car and van accessible parking spaces in the lots will have an adjacent access aisle complying with 502.3.
 - c. Parking spaces and access aisles serving them shall comply with 302 and shall have slopes no steeper than 1:48, according to 502.4.
 - d. Parking space identification signs for designated accessible parking spaces in the main lot, north lot and south lot shall include the International Symbol of Accessibility complying with 703.7.2.1 and signs identifying van parking spaces

² See 28 § 35.151(b). The 2010 Standards are comprised of the 2004 ADAAG standards (appendices B & D to 36 C.F.R. § 1191) and the amended Title II regulation at 28 C.F.R. § 35.151. The 2010 Standards may be accessed at http://www.ada.gov/2010ADASTandards_index.htm.

³ With respect to maintenance of accessible features, if the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the technical requirements or the number of accessible elements in a facility may be reduced in accordance with the requirements of the 2010 Standards. See 28 C.F.R. § 35.133(c).

shall contain the designation “van accessible.” Signs shall be 60 inches minimum above the finish floor or ground surface measured to the bottom of the sign.

- e. Curb ramps on the route from the accessible parking spaces to the building entrances serving the main lot, north lot and south lot shall have a running slope not steeper than 1:12, according to 405.2, and a cross slope not steeper than 1:48, according to 405.3. Where provided, curb ramp flares shall not be steeper than 1:10, according to 406.3. Counter slopes adjoining gutters and road surfaces immediately adjacent to a curb ramp shall not be steeper than 1:20. Landings shall be provided at the tops of curb ramps, with a clear length of 36 inches minimum and a clear width at least as wide as the curb ramp, excluding flared sides, according to 406.4.
- f. Handles, pulls, latches, locks, and other operable parts on doors at entrances serving Sanford Hall and C.F. Gayles Field House shall comply with 309.4, according to 404.2.7. Operable parts of such hardware shall be 34 inches minimum and 48 inches maximum above the finish floor or ground.
- g. The University will install directional signage in Sanford Hall and C.F. Gayles Field House that directs persons with disabilities to the accessible restrooms. Directional or informational signage may be necessary along routes to minimize confusion or back-tracking. *See*, ADAAG §§ 216.2 and 703.4-703.7 Signage.
- h. The University will ensure that at least one accessible restroom for each gender is located on the main floor of C.F. Gayles Field House. Each accessible restroom shall be identified by the international symbol of accessibility. *See*, ADAAG §§ 703.7, 404.3-404.3.3 Doors, 604.2-604.8 Water Closets, 604.8 Toilet Stalls, 605.2-605.4 Urinals, 606.0-606.5 Lavatories, 603.3 Mirrors, 604.8 Toilet Rooms, 4.23, 606.3-606.5 Sinks, 604.5 Grab Bars, and 703.4-703.7 Signage.
- i. The University will ensure that at least one accessible restroom for each gender is located on each floor of Sanford Hall. Each accessible restroom shall be identified by the international symbol of accessibility. *See*, ADAAG §§ 703.7, 404.3-404.3.3 Doors, 604.2-604.8 Water Closets, 604.8 Toilet Stalls, 605.2-605.4 Urinals, 606.0-606.5 Lavatories, 603.3 Mirrors, 604.8 Toilet Rooms, 4.23, 606.3-606.5 Sinks, 604.5 Grab Bars, and 703.4-703.7 Signage.

REPORTING REQUIREMENT: By 11/1, 2014, the University will submit a remedial plan including, at a minimum, the following information for the remedial measures required to achieve the compliance with the 2010 Standards as specifically described above, for OCR’s review and approval:

- a. A description of the specific architectural changes or actions to be performed by the University to achieve compliance with the facility, area, space, or element identified, including a specific description of the changes or actions to be performed in Sanford Hall and C.F. Gayles Field House specifically;
- b. The expected start and completion dates; and
- c. The University employee or official responsible for the change or action.

REPORTING REQUIREMENT: The University will provide OCR with 90-day status updates on progress implementing the University's remedial plan. The first status update will be due 90 days from the date of the University receives OCR's approval of the University's remedial plan required by this Agreement. Each status update will identify the action steps which have been completed since the submission of the remedial plan (first status update) or since the date of the previous status update. The status updates will be provided every 90 days until all necessary remedial measures identified in the University's remedial plan have been completed.

/s/ Kent J. Smith
Dr. Kent J. Smith, Jr., President
Langston University
Langston, Oklahoma

8/20/2014
Date