

**RESOLUTION AGREEMENT  
GARDEN CITY COMMUNITY COLLEGE  
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07142200**

The Garden City Community College (College), Garden City, Kansas, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve allegations 1 and 2 against the College in OCR Docket Number 07142200, 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 College asked to resolve allegations 1 and 2 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 allegations 1 and 2 of this complaint and any other issues identified by OCR during the course of its investigation of this complaint, the College voluntarily agrees to take the following actions:

**I. GENERAL PROVISIONS**

This Agreement resolves allegations 1 and 2 in OCR Docket Number 07142200 and does not constitute an admission by the College of any violation of Section 504, Title II, or any other law.

This Agreement shall become effective upon the College's receipt of a letter from OCR advising the College that this Agreement resolves allegations 1 and 2 raised in this complaint.

OCR agrees to discontinue its investigation of OCR Docket Number 07142200 based upon the College's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve allegations 1 and 2 in this case and any other issues identified by OCR during the course of its investigation.

The College 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 College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The College 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 College understands that during the monitoring of this Agreement, if necessary, OCR may visit the College, interview staff and students,

and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines the College 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 this case.

## II. RESOLUTION PROVISIONS

### **PROGRAM AND FACILITY ACCESSIBILITY**

- A. OCR inspected three parking lots on the College's campus, specifically the Fine Arts Building parking lot (fine arts parking lot), the Vocational Technology and Library parking lot (VoTec/Library parking lot) and the Athletic Building parking lot (DEPAC parking lot). OCR also inspected the curb ramps along the accessible route to the building entrances from the parking lots and the accessible routes to the building entrances.
- B. The accessibility requirements of the Section 504 regulation are found at 34 C.F.R. §§ 104.21 through 104.23. Comparable sections of the Title II regulation are found at 28 C.F.R. §§ 35.149 through 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 College'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 recipient. 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 Accessible Design (2010 Standards),<sup>1</sup> 2) the 1991 Standards, or 3) UFAS. For any physical construction or alterations commenced on or after March 15, 2012, the 2010 Standards apply.<sup>2</sup>

### **Remedial Plan**

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<sup>1</sup> See 28 § 35.151(b). The 2010 Standards are comprised of the 2004 ADAAG standards (appendices B and 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](http://www.ada.gov/2010ADASTandards_index.htm).

<sup>2</sup> 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).

- C. The College agrees to develop a remedial plan by which it will execute remedial measures in the three parking lots identified above (referred to as “parking lots”) necessary to comply with the following provisions of the 2010 Standards.
1. The parking lots 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 parking spaces shall be 96 inches wide minimum, according to 502.2. Van parking spaces shall be 132 inches minimum, with 60 inches wide minimum adjacent access aisle, or 96 inches minimum, with 96 inches wide minimum adjacent access aisle, according to 502.2.
  2. Car and van accessible parking spaces in the parking lots will have an adjacent access aisle complying with 502.3.
  3. Parking spaces and access aisles serving them in the parking lots shall comply with 302 and shall have slopes no steeper than 1:48, according to 502.4.
  4. Parking space identification signs for designated accessible parking spaces in the parking lots shall include the International Symbol of Accessibility complying with 703.7.2.1 and signs identifying van parking spaces 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.
  5. Curb ramps on the route from the accessible parking spaces to the building entrances serving the parking lots 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.
  6. Ramps on the route from the accessible parking spaces to the building entrances serving the parking lots shall comply with 405 with respect to

slope, cross slope, clear width, landings, if applicable, and handrails, if applicable.

**REPORTING REQUIREMENT:** By January 15, 2015, the College will submit a remedial plan including, at a minimum, the following information for the remedial measures required to achieve the compliance identified in item C:

- a. a description of the specific architectural changes or actions to be performed by the College to achieve compliance with the facility, area, space, or element identified, including a specific description of the changes or actions to be performed in each of the three parking lots specifically;
  - b. the expected start and completion dates; and
  - c. the College employee or official responsible for the change or action.
- D. By December 31, 2017, the College will complete the remedial measures identified above to achieve compliance with the 2010 Standards. OCR understands that due to the unpredictable nature of construction projects, this date may need to be extended, and will agree to a reasonable extension, if needed.

**REPORTING REQUIREMENT:** The College will provide OCR with 30-day status updates on progress implementing the College's remedial plan. The first status update will be due 30 days from the date of the College receives OCR's approval of the College'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 30 days until all necessary remedial measures identified in the College's remedial plan have been completed.

## **WEB ACCESSIBILITY**

### **Web Accessibility Corrective Action Strategy**

- E. By June 1, 2015, the College will develop a Website Accessibility Corrective Action Strategy (action strategy) for its website based on the attached OCR report and other information the College has gathered regarding the accessibility of its website from internal or other external audits.

The action strategy will set forth the College’s planned action to ensure that individuals with a visual impairment or other print-related disability may use the College’s website in an equally effective and equally integrated manner as individuals without a disability. The action strategy shall include the following:

1. information regarding identified accessibility concerns on the College’s website and information regarding how each accessibility concern will be resolved;
2. the methods the College used to develop the strategy;
3. the name, title, and relevant qualifications of the individuals involved in developing the strategy;
4. a copy of any internal audit or other external audits conducted in order to create the plan, the methods the College used to conduct the audit and the name, title, and relevant qualifications of the individuals involved in the audit;
5. timeframes for completion of major activities/steps;
6. provisions for testing the accessibility of the website; and
7. information identifying how the College will validate the accessibility of the website for individuals with disabilities.

**REPORTING REQUIREMENT:** Within 30 days of the College finalizing its action strategy, the College will submit to OCR a copy of the action strategy for review and approval.

- F. By December 31, 2015, the College will complete the components of the action strategy.

**REPORTING REQUIREMENT:** The College will provide OCR with 30-day status updates on progress implementing the College’s remedial plan. The first status update will be due 30 days from the date of the College receives OCR’s approval of the College’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 30 days until all necessary remedial measures identified in the College’s remedial plan have been completed.

### **Web Accessibility Policy**

- G. By June 1, 2015, the College will develop a draft Website Accessibility Policy (policy) that demonstrates its commitment to operating a website that is accessible to individuals with disabilities. The College will

designate a staff member with responsibility and commensurate authority to coordinate the College's compliance with the policy and will identify this individual in the policy. The policy will also reference the grievance procedures, developed or modified according to item H, below.

**REPORTING REQUIREMENT:** By June 1, 2015, the College will provide OCR with a copy of the draft policy, for OCR's review and approval. Upon receiving approval from OCR, the College will adopt and display the policy on the College's website. Within 60 days of receiving approval of the policy, the College will provide OCR with documentation demonstrating the policy has been adopted and published on the College's website.

### **GRIEVANCE PROCEDURE**

- H. By June 1, 2015, the College will review and revise its complaint and/or grievance procedure or develop a new complaint and/or grievance procedure to provide for prompt and equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age. The revised grievance procedure should incorporate appropriate due process standards and include at a minimum the following:
1. a statement that the grievance procedure is applicable to complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age by students, employees, and third parties;
  2. notice to students, employees and others of the process for filing a grievance, including who to contact (title, address, and telephone number of the contact individual should be included) and how to initiate a grievance;
  3. a requirement that all complaints will be promptly, thoroughly, and impartially investigated and decided within reasonable designated time frames at each stage of the grievance process;
  4. provisions for maintaining the confidentiality of the person who files a complaint;
  5. written notice to the grievant of the disposition of the grievance at each stage of the process;

6. a fair and equitable appeal process;
7. notice that retaliation against a person who files a complaint of discrimination, or persons who participate in related proceedings is prohibited;
8. assurance that if discrimination has occurred, appropriate corrective and remedial actions will be taken;
9. a provision that notifies individuals they may file complaints with OCR. The provision should include the following contact information: U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut, Suite 320, Kansas City, Missouri 64106-2106; Telephone: (816) 268-0550; Facsimile: (816) 268-0599; or [Email: OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov); and
10. a statement that the grievance procedure may be used by a student, faculty member, staff member, or member of the public to file a grievance regarding a website accessibility barrier.

**REPORTING REQUIREMENT:** By June 1, 2015, the College will provide OCR with a copy of the draft grievance procedure, for OCR's review and approval. Upon receiving approval from OCR, the College will adopt and display the grievance procedure on the College's website. Within 60 days of receiving approval of the policy, the College will provide OCR with documentation demonstrating the policy has been adopted and published on the College's website. By December 31, 2015, the College will provide OCR with a detailed report about any grievances filed under the grievance procedure implemented pursuant to item H related to any alleged website accessibility barrier. The report will include a summary of each grievance about website accessibility filed from the date of the adoption of the grievance procedure through December 31, 2015.

/s/ Herbert Swender  
Dr. Herbert Swender, President  
Garden City Community College  
Garden City, Kansas

October 15, 2014  
Date