

May 19, 2016

Sent via email to XXXXX

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Re: Docket # 07162005

Dear XXXXX XXXXX:

On October 13, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against your client, the University of Central Missouri (University), Warrensburg, Missouri, alleging discrimination on the basis of disability. This letter is to confirm the University has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

The complainant alleged the University discriminated against students with mobility impairments, as follows:

1. The restrooms in the Martin, Utt, and Lovinger buildings on the University campus are not accessible, and
2. The surfaces of the curb ramps are not accessible near the corner of South and East Clark streets for the library parking lot and across the street on the route to the library on the University campus.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA).
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of FFA from the Department and a public entity, the University is subject to these laws. Additional information about OCR and the laws we enforce is available on our website at <http://www.ed.gov/ocr>.

On February 1, 2016, OCR sent notification letters to the parties, including a data request to the University. On February 29, 2016, the University provided OCR with a response to OCR's data requests. OCR conducted interviews with the Complainant and the University Director of Facilities. OCR also conducted an onsite accessibility survey on March 8 and 9, 2016. The University subsequently expressed to OCR an interest in engaging in resolution negotiations pursuant to section 302 of OCR's *Case Processing Manual*.¹

Prior to the completion of OCR's investigation, the University signed an Agreement (copy enclosed) on May 16, 2016, that, when fully implemented, will address the above-referenced complaint. OCR considers this complaint resolved effective the date of this letter and will monitor the University's implementation of the Agreement. When OCR concludes the University has fully implemented the terms of the Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume the investigation.

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. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/S/ Earlene Gordon

J. Earlene Gordon
Supervisory Attorney

Enclosure

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.