



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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May 20, 2014

Dr. Michael J. Kearns, President
Mohave Community College
1971 Jagerson Ave.
Kingman, AZ 86409

Re: Mohave Community College
Case Number: 08-14-2149

Dear President Kearns:

This letter advises you of the resolution of the complaint filed with our office alleging that the Mohave Community College (College) discriminates on the basis of disability. Specifically, the Complainant alleged the ceramics classroom of the Art and Industrial Technology classroom building is not accessible by persons with disabilities because the opening force of the door(s) to the classroom is excessive, the sink(s) required for use by students are not accessible, and there is an insufficient number of accessible parking spaces designated on the shortest accessible route to the accessible entrance of the building.

We began investigating the complaint pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to these laws and regulations.

During our investigation, and before we conducted a site visit, we were informed by the College that it had begun resolving the issues based on conversations held with the Complainant. Based on its ongoing efforts, the College indicated its desire to voluntarily enter into an agreement to resolve the allegations pursuant to Section 302 of the *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On May 15, 2014, we received the signed Resolution Agreement, which is enclosed. We thank the College for voluntarily entering into an Agreement to resolve the accessibility issues. OCR is closing the investigative phase of this case effective the date of this letter. The case is now in the monitoring phase. OCR will closely monitor the recipient's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively and that the recipient's policies and practices are administered in a nondiscriminatory manner. The monitoring phase of the case will be completed when OCR determines that the College has fulfilled all of the terms of the Agreement. When the monitoring phase of the case is complete,

OCR will close Case Number 08-14-2149 and will send a letter to the College and to the Complainant stating that the case is closed.

OCR routinely advises recipients of Federal funds that Federal regulations prohibit intimidation, harassment, or retaliation against those filing complaints with OCR and those participating in a complaint investigation. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Please also note the Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions or concerns, please feel free to contact XXXX, Equal Opportunity Specialist and primary contact for this case, at XXXX or by email at XXXX, or me at XXXX.

Sincerely,

/S/

Thomas M. Rock
Supervising General Attorney

Enclosure – Resolution Agreement