

**Resolution Agreement
Mohave Community College
Case Number 08-14-2149**

In order to resolve the allegations in Case Number 08-14-2149, filed against Mohave Community College (the College) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794 (Section 504) 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, 42 U.S.C. Sections 12131-65, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and by public entities respectively, the College agrees to implement the following Resolution Agreement (Agreement).

The Complainant alleged that the Mohave Community College (College) discriminates on the basis of disability at the College's Lake Havasu campus. 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 accessible entrances of the building.

During the course of OCR's investigation, before OCR had made any findings, the College indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The College's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

The College elects to make all physical alterations to its facilities that are implemented to satisfy this Resolution Agreement in compliance with the standards contained in the 2010 ADA Standards for Accessible Design (Standards), which took effect on March 15, 2012.

RESOLUTION ACTION

The College agrees to take the following actions:

1. The College has indicated there are two sinks in the ceramics room located in the Art and Industrial Technology classroom building at the Lake Havasu campus.

The College will provide at least one sink that is accessible to persons with disabilities as required by the Standards at § 212.3 and will ensure full compliance with the Standards at § 606. The sink will provide for clear floor space complying with § 305, positioned for a forward approach, and knee and toe clearance complying with § 306. Sink faucets will have operable parts complying with § 309 and shall be placed within one or more of the reach ranges specified in § 308. If soap and towel dispensers are provided for, they must also be located within the reach ranges specified in § 308.

2. The College has indicated there are two doors located in the ceramics room, one is an entrance door and the other is a hinged interior door that accesses a casting room used by students.

The College will ensure that both doors, including door hardware, comply with the Standards at §§ 404 and 309.4. The interior door must not take any more than 5 pounds of force to open or close as required by § 404.2.9 (1).

3. The College has indicated there are 135 parking spaces in the lot closest to the building. Of the 135 spaces, 5 spaces are designated as accessible spaces, 3 of which are van accessible. The College indicated there is also a single parking space located on the west side of the building which is designated as van accessible.

The College explained that before construction on the new building was completed in 2013, the larger parking lot primarily served two existing buildings that are east of the new building. Consequently, the dispersal of accessible parking in the lot is configured to serve the existing buildings and is not located near any entrance to the new building. The College has indicated it will add additional accessible spaces in the larger lot, near the east entrance to the building.

The College will provide an adequate number of accessible parking spaces located on the shortest accessible route to an accessible pedestrian entrance to the building as required by §§ 206.4, 208.3.1, 208.2.

REPORTING REQUIREMENTS:

- a) By July 1, 2014, the College will provide a detailed plan and schedule for how it will address the requirements in the Terms.
- b) The need for additional reports to OCR will be determined based on the College's July 1, 2014 report and will be required until the College demonstrates the completion of the Terms.
- c) OCR will conduct at least one site visit prior to determining that the College satisfactorily completed the Terms.
- d) All steps will be completed by November 1, 2014.

The College understands that by signing this Agreement, it agrees to provide documentation 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 the Agreement, if necessary, OCR may visit the College, interview College employees, 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, which were at issue in this case.

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

When OCR determines that the College has fulfilled all of the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, OCR will close Case Number 08-14-2149 and will send a letter to the College stating that Case Number 08-14-2149 is closed.

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. Sections 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 60 calendar days to cure the alleged breach.

The person signing for the College represents that she is authorized to bind the College to this Agreement. This Agreement becomes effective the date of the signature below.

For Mohave Community College:

_____/S/_____
Printed Name, Title, and Signature

_____May 15, 2014_____
Date