

RESOLUTION AGREEMENT

Colorado State University- Pueblo
08-16-2113

In order to resolve the complainant's allegation that the entrance to the work study office located inside the Nursing Department office is inaccessible to individuals with mobility disabilities in OCR Case Number 08-16-2113 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Colorado State University- Pueblo (University) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, the University agrees to take the actions outlined in this Resolution Agreement. The University resolved the other complaint allegation via OCR's Rapid Resolution process on July 19, 2016.

During the course of OCR's investigation, before OCR had made any findings, the University 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 University's decision to enter into this Agreement is not an admission of liability or wrong-doing in OCR Case number 08-16-2113 in its entirety, nor shall it be construed as such.

REMEDIAL ACTION

The University voluntarily agrees to take the following actions:

- I. By October 1, 2016, the University agrees to remove the following barrier to access in the Nursing Department offices. The University will comply with the cited provisions of the 2010 ADA Standards for Accessible Design (2010 ADA Standards), 28 C.F.R. pt. 36, App. A., when taking the actions required by this Agreement.
 - a. In office #221C there is a change in level (step) that exceeds $\frac{1}{2}$ inch vertically; in addition, there is a trash receptacle and a bookshelf that create a barrier for persons with mobility impairments to access the office as required by the 2010 ADA Standards.

Provide an accessible route through the office that has no level changes in excess of $\frac{1}{2}$ inch vertically. If the University chooses to install a ramp at that location, the University will provide a ramp that complies with §405 of the 2010 ADA Standards. Remove any materials, including trash receptacles and bookshelves, that create a barrier for persons with mobility impairments as required by the 2010 ADA Standards.

REPORTING REQUIREMENT

Within thirty (30) days after the University has completed the actions required by Term I, the University will submit a written report to OCR. The report will include, for

example, detailed photographs showing the relevant measurements of all alterations or renovations, architectural plans, work orders, purchase orders, and invoices.

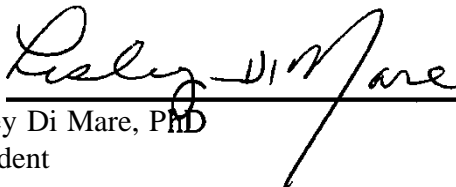
The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

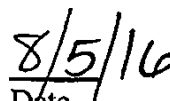
The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that during the monitoring of the Agreement, if necessary, OCR may interview University employees 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, which were at issue in this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The University has voluntarily entered into this agreement without admission of any violation of Federal or State laws or regulations. The University's participation within this process is in no way an admission of liability, discrimination or any wrong doing on the part of the University, the Board of Governors of the Colorado State University System or any of its employees or agents.

The Board of Governors of the
Colorado State University System
Acting by and through
Colorado State University-Pueblo:


Lesley Di Mare, PhD
President


Date