

Sacramento City College  
Resolution Agreement  
OCR No. 09-15-2104

Sacramento City College (College) agrees, without admitting to any violation of law, to implement the following Resolution Agreement (Agreement) to resolve the issues investigated by the U.S. Department of Education (Department), Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments of 2008, (Title II or ADA) in the above-referenced OCR case number.

**I. Development of Policy Addressing Maintenance of Accessible Features**

By March 15, 2016, the College will adopt a written procedure that reaffirms the College's obligation to make its programs and activities accessible to and usable by persons with disabilities and of its concurrent obligation to maintain accessible features and elements such as doors. The procedure will inform intended users of its programs and activities that, at times, features of its facilities that are designated to provide access to those with disabilities may unexpectedly become inoperable, or otherwise prevent access, and it will specifically refer to its automatic door openers found on many of its buildings when the pull pressure on those doors exceed the appropriate ADA standard. The College's affirmation of the principle that it is committed to make its programs and activities accessible to and usable by persons with disabilities and of its concurrent obligation to maintain accessible features and elements for its students, faculty and staff is further stated in the Los Rios Community College District Board Policies: 2113, 2423, 2731, 5111, 5172, 5178, 6111, 6163, 6167, 9111, 9152, and 9159.

The procedure will state that in the event of an accessible feature becoming inaccessible, an individual who desires to gain access through the feature to any program or activity served by the feature, and cannot do so because of the inoperability of the feature, should immediately inform a faculty, staff, or administration member in the department where the feature is located of such an inoperable feature.

The policy will then provide for, upon receipt of the above-stated report, a process whereby the faculty, staff, or administration member who received the report will immediately advise the Operations department and Facilities Management department of the inoperability. The Facilities Management department will then take immediate reasonable measures to remedy the inoperable feature so that it again provides access for those with disabilities. For instance, in the event of an automatic door opener becoming inoperable and the pull pressures exceed the ADA standards, the facilities department may prop open or otherwise leave open the door, provide an alternate ADA accessible path of travel to the program or activity, post an individual at the door so that the door can be opened on request, or otherwise arrange for the door to be operable within the permissible range of necessary force under the ADA standards.

In the event that remedial measures cannot be taken to address the inoperability of a previously accessible feature that has become inaccessible, then the College will immediately take other action that will permit the individual to have access to its programs and activities served by the inaccessible feature. Such action may include relocation of the program or activity to an accessible location, duplication of the program or activity in an accessible location, provision of a like program or activity through another entity, or interim measures authorized by federal law and OCR policy that will allow participation in the program or activity in its inaccessible location for a short time until an accessible location can be found.

The procedure will also provide that upon verification of the inoperability of an accessible feature, the College will prominently post at the inoperable feature a notice stating that the feature is currently inoperable, that the College is in the process of returning the feature to an accessible state, and that individuals who need to access any program or activity intended to be accessed through the inoperable feature may contact the individual stated at the end of the notice in order to obtain access to the program or activity.

The above-stated notice will identify the official or office within the College, along with contact information including a physical address, phone number, and e-mail address, responsible for implementation of the notice provisions and the policy. The policy will also contain information on how to inquire about the accessibility of programs, activities, and facilities and how to request relocation or other forms of assistance to ensure the accessibility of programs, activities, and facilities in the College. The District's catalogs and the General Counsel's website will also contain this information. See <http://www.losrios.edu/legal/gc-disability.htm>.

The policy will also inform individuals of the College's internal complaint/grievance procedure that may be used in the event that an individual is dissatisfied with the College's response to his or her report of the inoperability of an accessible feature.

For one year subsequent to the College's execution of this Agreement, the College will maintain a written log/record of each instance in which an individual has reported an accessible feature becoming inaccessible. The log/record will include the name and contact information of the individual making the report, the date of the report, the details of the report, and the date and details of the action taken by the College in response to the report. The College agrees to provide a copy of each log/record to OCR upon OCR's request.

## **II. Dissemination of Developed Policy**

By April 15, 2016, the College will publish/disseminate to its students the procedure developed pursuant to section (I) of this Agreement. The publication/dissemination may be accomplished through inclusion in general publications that are intended to and do

reach the entire student body, through e-mail to the student body directing the students to an electronic copy of this information, posting the procedure on its website and that of the General Counsel related to disabled students or through an orientation or other program occurring at the beginning of the academic year that is intended to inform all students of the College's policies and procedures.

### **III. Reporting Requirements**

By December 1, 2015, the College will provide its proposed policy developed pursuant to section (I) of this Agreement to OCR for review and approval. Within thirty (30) days of OCR's approval of the policy, the College will adopt and implement the policy.

By May 15, 2016, the College will provide detailed and specific information to OCR that verifies that it disseminated the policy as required by section (II) of this Agreement.

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 Section 504, Title II, and their respective implementing regulations.

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 which were at issue in this matter.

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 sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_

Date: 11/04/2015