

RESOLUTION AGREEMENT
California State University-Fresno
OCR Docket Number 09-16-2066

The California State University-Fresno (University) agrees to implement this Resolution Agreement (Agreement) to resolve the violations identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation, at 28 C.F.R. Part 35, in the above-referenced OCR case number.

I. BULLDOG STADIUM PARKING

- A. Blue Lot (non-game days): By August 1, 2018, the University will identify one (1) of the designated accessible parking spaces in the Blue Lot adjacent to the Duncan Athletic Building as van accessible by adding a sign with the International Symbol of Accessibility designating it as van accessible. The sign shall be a minimum of 60 inches above the ground surface measured to the bottom of the sign. 2010 Standards, § 502.6.
- B. Blue Lot (game days): By August 1, 2018, the University will provide a minimum of five (5) designated accessible parking spaces in the Blue Lot for football game days, including a minimum of one (1) which is designated as van accessible. Each accessible parking space shall be a minimum of 96 inches wide. The designated van accessible space shall be a minimum of 132 inches wide or may be a minimum of 96 inches wide if the adjacent access aisle is a minimum of 96 inches wide. Access aisles serving car and van parking spaces shall be a minimum of 60 inches wide, extend the full length of the parking spaces they serve, and be marked so as to discourage parking in them. Parking spaces and the access aisles serving them shall comply with § 302 of the 2010 Standards, and shall not exceed a maximum slope of 1 inch of rise to 48 inches run (i.e., 1:48, or 2.08%) in any direction. Designated accessible parking spaces shall be identified with signs that include the International Symbol of Accessibility, and shall be a minimum of 60 inches above the finish floor or ground surface measured to the bottom of the sign. For van accessible parking spaces, the signs must include a designation of the parking space as van accessible. The parking spaces will meet the requirements of §§ 302 and 502 of the 2010 Standards.
- C. Red Lot:
1. By August 1, 2018, the University will provide a minimum of eight (8) designated accessible parking spaces in the Red Lot, including a minimum of two (2) spaces which are designated as van accessible. Each accessible parking space shall be a minimum of 96 inches wide. The designated van accessible space shall be a minimum of 132 inches wide or may be a minimum of 96 inches wide if the adjacent access aisle is a minimum of 96 inches wide. Access aisles serving car and van parking spaces shall be a minimum

of 60 inches wide, extend the full length of the parking spaces they serve, and be marked so as to discourage parking in them. Parking spaces and the access aisles serving them shall comply with § 302 of the 2010 Standards, and shall not exceed a maximum slope of 1 inch of rise to 48 inches run (i.e., 1:48, or 2.08%) in any direction. The parking space, access aisles, and accessible routes must be firm, stable, and slip-resistant. Designated accessible parking spaces shall be identified with signs that include the International Symbol of Accessibility, and shall be a minimum of 60 inches above the finish floor or ground surface measured to the bottom of the sign. For van accessible parking spaces, the signs must include a designation of the parking space as van accessible. The parking spaces will meet the requirements of §§ 302 and 502 of the 2010 Standards.

2. By August 1, 2018, the University will provide an accessible route connecting the access aisles of the designated accessible parking spaces in the Red Lot to the north entrance gate, including an accessible route to the closest waiting area for the football game courtesy shuttle. The accessible route will meet the requirements of §§ 302 and 403 of the 2010 Standards.

D. White Lot:

1. By August 1, 2018, the University will provide a minimum of nine (9) designated accessible parking spaces in the White Lot, including a minimum of two (2) spaces which are designated as van accessible. Each accessible parking space shall be a minimum of 96 inches wide. The designated van accessible space shall be a minimum of 132 inches wide or may be a minimum of 96 inches wide if the adjacent access aisle is a minimum of 96 inches wide. Access aisles serving car and van parking spaces shall be a minimum of 60 inches wide, extend the full length of the parking spaces they serve, and be marked so as to discourage parking in them. Parking spaces and the access aisles serving them shall comply with § 302 of the 2010 Standards, and shall not exceed a maximum slope of 1 inch of rise to 48 inches run (i.e., 1:48, or 2.08%) in any direction. The parking space, access aisles, and accessible routes must be firm, stable, and slip-resistant. Designated accessible parking spaces shall be identified with signs that include the International Symbol of Accessibility, and shall be a minimum of 60 inches above the finish floor or ground surface measured to the bottom of the sign. For van accessible parking spaces, the signs must include a designation of the parking space as van accessible. The parking spaces will meet the requirements of §§ 302 and 502 of the 2010 Standards.
2. By August 1, 2018, the University will provide an accessible route connecting the access aisles of the designated accessible parking spaces in the White Lot to the closest waiting area for the football game courtesy shuttle. The accessible route will meet the requirements of §§ 302 and 403 of the 2010 Standards.

- E. REPORTING REQUIREMENTS, SECTION I: By September 1, 2018, the University will report to OCR on the physical changes completed pursuant to Section I, paragraphs A, B, C.1-2, and D.1-2. The documentation will include photographs and documentation from the individuals or corporations who performed the changes.

II. RAMP TO LOWER LEVEL DESIGNATED ACCESSIBLE SEATING

- A. By August 1, 2018, the University will remove abrasive surfaces on the ramp handrails to the lower level designated accessible seating. 2010 Standards, § 505.8.
- B. By August 1, 2018, the University will extend the ramp handrails horizontally above the landing for 12 inches minimum beyond the top and bottom of each ramp run on the ramp to the lower level designated accessible seating. The handrail extensions shall return to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent ramp run. 2010 Standards, § 505.10.1.
- C. REPORTING REQUIREMENTS, SECTION II: By September 1, 2018, the University will report to OCR on the physical changes completed pursuant to Section II, paragraphs A and B. The documentation will include photographs and documentation from the individuals or corporations who performed the changes.

III. ACCESSIBLE WHEELCHAIR SEATING

- A. By March 1, 2018, the University will retain a CSU approved, independent California licensed architect (“Architect”) to assist the University in the development of a program access plan to address the wheelchair seating located in the upper levels of sections 7, 8, 14, and 15, which OCR has identified as non-compliant. The Architect will be knowledgeable of Section 504 and Title II, including the requirement that the University must operate the programs, services, and activities at its existing facilities so that, when viewed in their entirety, they are readily accessible to and usable by persons with disabilities. The University will notify OCR of the identity and qualifications of the Architect and provide a copy of a letter of engagement.
- B. By September 1, 2018, the University will provide to OCR for review and approval its proposed program access plan regarding the wheelchair seating in the upper levels of sections 7, 8, 14, and 15 of the Stadium. The program access plan will include a timeline for implementation of the improvements required, with the goal that the improvements will be fully implemented by September 1, 2019. The program access plan may include the reassignment of the programs, services or activities served by the wheelchair seating in the upper levels of sections 7, 8, 14, and 15 to an accessible location, alteration or relocation of the existing wheelchair seating, or any other methods that result in making the programs, services or activities served by the wheelchair seating accessible to individuals with

disabilities. In choosing among available methods for redressing program accessibility, the University will give priority to those methods that offer the programs, services, and activities to individuals with disabilities in the most integrated setting appropriate as well as methods that entail achieving access independently and safely.

- C. Within ten (10) calendar days of OCR's approval of the program access plan, the University will begin implementation of the plan.
- D. REPORTING REQUIREMENTS, SECTION III: By September 1, 2019, the University will report to OCR on the implementation of the program access plan. The documentation will include evidence sufficient to demonstrate implementation of the plan, such as written procedures, photographs, documentation from the individuals or corporations involved in the plan implementation, paid invoices, or other such documentation.

IV. TICKET INFORMATION

- A. By August 1, 2018, the University will revise its seating maps and ticket information, including its 2018-19 Fall Fan Guide, to reflect the physical locations of wheelchair seating spaces in Section III. The revisions will identify and describe features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs. The revisions will state that the seating areas are intended for the use of individuals who use wheelchairs or other mobility disabilities and their companions. For individuals who do not require wheelchair seating but have disabilities impacting their ability to navigate stairs, the information will include whether or not seating areas are located on an accessible route.
- B. REPORTING REQUIREMENTS, SECTION IV: By September 1, 2018, the University will provide to OCR a draft of its updated seating maps and ticket information, including its 2018-19 Fall Fan Guide, for OCR review and approval. After receiving OCR's approval, the University will provide documentation within 90 days of its distribution and posting of the materials to show compliance with Section IV, paragraph A.

V. GENERAL PROVISIONS

- A. The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that during the monitoring of this Agreement, OCR may visit the University, interview staff 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 Section 504, Title II, and their implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the case.

B. The University 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 University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Deborah S. Adishian-Astone
Vice President for Administration / Interim CFO
California State University, Fresno

01/25/2018
Date