



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

July 29, 2010

Dr. Richard Storey
Chancellor
University of Montana - Western
710 South Atlantic Street
Dillon, Montana 59725

Re: University of Montana - Western
OCR Reference No. 10096002

Dear Dr. Storey:

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its compliance review of the University of Montana-Western for the above-referenced case. OCR's review addressed whether the university is in compliance with the regulatory requirements of section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. 104.21 and title II of the Americans with Disabilities Act of 1990 (ADA) at 28 C.F.R. 35.149 with respect to the physical accessibility of the university's facilities, programs, and services.

This review was conducted pursuant to OCR's authority under Section 504 and its implementing regulations at 34 C.F.R. Part 104 and Title II of the ADA and its implementing regulations at 28 C.F.R. Part 35. These laws prohibit discrimination on the basis of disability by institutions receiving federal financial assistance from the U.S. Department of Education and by public entities. As a public university that is also a recipient of financial assistance from the Department, the university is subject to the provisions of Section 504 and Title II.

The Section 504 and Title II regulations contain physical accessibility requirements. Both laws distinguish between existing facilities and new construction. Under Section 504, facilities constructed on or before June 3, 1977 are existing facilities, while new construction refers to facilities constructed after that date. See 34 C.F.R. 104.22–104.23. Title II provides that existing facilities are those constructed on or before January 26, 1992,

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and facilities constructed after that date are considered new construction. See 28 C.F.R. 35.150–35.151.

For existing facilities, Section 504 and Title II require that an institution operate its program so that, when viewed in its entirety, it is readily accessible to persons with disabilities (program accessibility standard). Under this standard, an institution is not required to make all existing facilities or every part of its facilities accessible, as long as the program or activity provided at each facility is readily accessible to persons with disabilities. See 34 C.F.R. 104.22 and 28 C.F.R. 35.150. An institution can provide program accessibility for existing facilities through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, or any other methods that result in making its programs or activities accessible to persons with disabilities.

The accessibility standard used for new construction depends on the date construction commenced. Construction commenced after June 3, 1977, through January 19, 1991, must comply with the American National Standards Institute standards (ANSI), ANSI A117.1-1961 (R1971). For construction commenced after January 19, 1991, through January 26, 1992, the Uniform Federal Accessibility Standards (UFAS) applies. Construction commenced after January 26, 1992, must comply with either the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or UFAS; an institution may choose between ADAAG and UFAS for each facility, but must use the same standard for the entire facility. New alterations to a facility are analyzed similarly to new construction.

During the course of this compliance review, OCR reviewed information that the university submitted, spoke with certain university staff members, and conducted an on-site investigation in August 2009. On the basis of this information, OCR identified certain compliance concerns discussed below. OCR understands that the university has utilized the ADAAG standard for its new construction.

A. James Short Center

The James Short Center houses university administrative offices. It was constructed in 1969. The south entrance, which it shares with the library, was renovated in 1992.

1. Men's Main Floor Restroom (Program accessibility)

- The men's restroom stall door allows for 30.25 inches clear width. As guidance to accessibility, ADAAG 4.13.5 states that doors should have a minimum of 32 inches clear width.

- The men's restroom side grab bar in the stall is 36 inches long. As guidance, ADAAG 4.17.6 states that a side grab bar should be a minimum of 42 inches long.

2. Women's Main Floor Restroom (Program accessibility)

- The women's restroom right grab bar is 37.25 inches long. As guidance, ADAAG 4.17.6 states that a side grab bar should be a minimum of 42 inches long.

B. Lucy Carson Library

The Lucy Carson Library houses the main library, some staff offices, and the tutoring lab. The library was built in 1969. In 1992, the university renovated the east and south entrances. In 2009, the university renovated the lower level restrooms.

1. East Entrance (ADAAG - Renovated 1992)

- The outer left east entrance door and the inner right east entrance door open in less than 3 seconds and close in less than 3 seconds. ADAAG 4.13.12 requires automatic doors to not open to their back check faster than 3 seconds. ADAAG 4.13.10 requires that if a door has a closer, the sweep period of the closer shall be adjusted so that from an open position of 70 degrees the door will take at least 3 seconds to move to a point 3 inches from the latch, measured to the leading edge of the door.
- At the time of OCR's on-site investigation, the control button for the inner automatic east entrance door, which is located in the vestibule, was blocked by a café table and chairs. ADAAG 4.27.4 requires controls to have clear floor space that allows a forward or parallel approach by wheelchair users.

2. Main and Upper Level Restrooms (Program accessibility)

- The restrooms are not readily accessible because the doorways are not wide enough for a wheelchair to enter the restrooms and there are no accessible features once inside. The restrooms have signs indicating that they are accessible. The Section 504 regulation at 34 C.F.R. 104.22(f) provides that covered entities shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can

obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities.

3. Lower Level Restroom (ADAAG - Renovated 2009)

- Access to the men's restroom urinal requires wheelchair users to make a turn around a post in the center of the room. The clear width between the post and the stall wall is 33.5 inches. ADAAG 4.3.3 requires that when wheelchair users must make a turn around an obstruction, the minimum clear width of the route be a minimum of 42 inches on the side approaches and be a minimum of 48 inches around the end.

4. Elevator (Program accessibility)

- The elevator hoistway entrances do not have signage designating the floor. As guidance, ADAAG 4.10.5 states that there should be signage in raised lettering and Braille.
- The elevator doors require contact to stop closing. As guidance, ADAAG 4.10.6 states that elevator doors should open and close automatically, that they should have a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed, and that the device should be capable of completing these operations without requiring contact with an obstruction passing through the opening.
- The floor space dimensions inside the elevator are 73.25 inches wide and 44 inches deep with the floor being 48 inches deep directly in front of the door. As guidance on accessibility, ADAAG 4.10.9 requires elevators to have minimum dimensions of 80 inches wide by 51 inches deep or 68 inches wide and 54 inches deep.

C. Swysgood Technology Center

The Swysgood Technology Center houses classrooms, administrative offices, and computer labs. It was built in 2002.

1. West Entrance (ADAAG)

- The outer automatic entrance doors open in less than 3 seconds and close in less than 3 seconds. ADAAG 4.13.12 requires automatic doors to not open to their back check faster than 3 seconds. ADAAG 4.13.10 requires that if a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees the door will take at least 3 seconds to move to a point 3 inches from the latch, measured to the leading edge of the door.
- At the time of OCR's on-site investigation, the right inner door automatic opener was not working. The Title II regulation at 28 C.F.R. 35.133(a) requires that a public entity maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.
- At the time of OCR's on-site investigation, the vestibule button for opening the inner automatic doors was blocked by a bench. ADAAG 4.27.4 requires controls to have clear floor space that allows a forward or parallel approach by wheelchair users.

2. Interior Doorways (ADAAG)

- The doorways for the lower level restrooms, main level restrooms, upper level restrooms, upper level multipurpose room, and room 103 require between 9 pounds force (lbf) and 16 lbf to push or pull open. ADAAG 4.13.11 allows for a maximum force for pushing or pulling to open a door to be 5 lbf.

3. Women's Main Floor Restroom (ADAAG)

- The feminine hygiene product dispenser requires users to grasp and turn a knob to operate. ADAAG 4.27.4 requires that controls and operating mechanisms shall not require tight grasping, pinching, or twisting of the wrist.

4. Lower Level Accessible Route from Swysgood Technology Center to Lucy Carson Library (ADAAG)

- The Swysgood Technology Center and the Lucy Carson Library are connected by an underground hallway on the lower level. A 25 foot long portion of the hallway has a slope ranging between 6.1 percent and 7.7 percent but has no adjacent handrails. ADAAG 4.8.1 requires that any part of an accessible route with a slope greater than 5.0 percent be considered a ramp. ADAAG 4.8.5 requires that a ramp with a run that has a horizontal projection of more than 72 inches have handrails.

D. Block Hall

Block Hall is the main classroom building on campus and contains faculty offices, science laboratories, and the university's only lecture hall. Block Hall was constructed in 1970. In 2009, the university renovated the first floor drinking fountain.

1. Southwest Entrance (Program accessibility)

- At the time of OCR's on-site investigation, the exterior controls for opening the automatic doors were blocked by a garbage can. As guidance, ADAAG 4.27.4 requires controls to have clear floor space that allows a forward or parallel approach by wheelchair users.

2. Main Floor Restrooms (Program accessibility)

- The side grab bars in the restroom stalls are 36 inches long. As guidance, ADAAG 4.17.6 states that a side grab bar should be a minimum of 42 inches long.
- The mirror in the women's restroom is 45.25 inches high at the bottom. As guidance, ADAAG 4.19.6 states that mirrors should be mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finish floor.

3. Science Laboratories - Rooms 104, 205, 207, 302, 306, and 309 (Program accessibility)

- Each science laboratory in rooms 302, 306, and 309 has an alternative laboratory table, lower than the standard laboratory tables, which appears to be designed to be wheelchair accessible.

The alternative laboratory table in room 302 provides 24 inches of knee clearance and is 26.25 inches wide. The alternative laboratory table in room 306 is wide enough but provides only 25 inches of knee clearance. The alternative laboratory table in room 309 provides 24 inches of knee clearance and is 18 inches wide. As guidance, ADAAG 4.32.3 states that seating for wheelchair users at tables or counters should provide knee spaces at least 27 inches high and 30 inches wide.

- In room 207, the accessible route to the sinks is blocked by a table which reduces the clear width to 30 inches. As guidance, ADAAG 4.3.3 states that a minimum clear width of an accessible route should be 36 inches except at doors.
- The door to room 306 requires 10 lbf to push and 12 lbf to pull open. As guidance, ADAAG 4.13.11 allows for a maximum force for pushing or pulling to open a door to be 5 lbf.
- The door to room 306 shuts in less than 3 seconds. As guidance, ADAAG 4.13.10 states that if a door has a closer, the sweep period of the closer should be adjusted so that from an open position of 70 degrees the door will take at least 3 seconds to move to a point 3 inches from the latch, measured to the leading edge of the door.
- The door to room 205 has a standard doorknob that requires grasping and twisting. As guidance, ADAAG 4.13.9 states that handles, pulls, latches, locks, and other operating devices on accessible doors should have a shape that is easy to grasp with one hand and that does not require tight grasping, tight pinching, or twisting of the wrist to operate.

4. Lecture Hall - Room 311 (Program accessibility)

- The south doors require 9 lbf to push open and 10 lbf to pull open and the north door requires 10 lbf to pull open. As guidance, ADAAG 4.13.11 allows for a maximum force for pushing or pulling to open a door to be 5 lbf.

- The north door takes less than 3 seconds to shut. As guidance, ADAAG 4.13.10 states that if a door has a closer, the sweep period of the closer should be adjusted so that from an open position of 70 degrees the door will take at least 3 seconds to move to a point 3 inches from the latch, measured to the leading edge of the door.
- The designated wheelchair seating locations in the lecture hall have clear widths under the tables of between 27 and 29 inches. As guidance, ADAAG 4.32.3 states that seating for wheelchair users at tables or counters should provide knee space width of at least 30 inches.

5. Second Floor Fire Doors (Program accessibility)

- The door latch requires grasping and the use of a thumb to open from the pull side. As guidance, ADAAG 4.13.9 states that handles, pulls, latches, locks and other operating devices on accessible doors should have a shape that is easy to grasp with one hand and that does not require tight grasping, tight pinching, or twisting of the wrist to operate.

E. Student Union Building

The Student Union Building houses the campus bookstore, campus radio station, student senate offices, a restaurant, and a convenience store. The building was constructed in 1958. In 1995, the university installed two lifts, installed a new entrance, and renovated restrooms and drinking fountains.

1. East Entrance (ADAAG – Renovated 1995)

- The interior east entrance door requires 11 lbf to pull and 8 lbf to push open. ADAAG 4.13.11 allows for a maximum force for pushing or pulling to open a door to be 5 lbf.

2. Main Floor Restrooms (ADAAG – Renovated 1995)

- The women's restroom door requires 13 lbf to push and 16 lbf to pull open and the men's restroom door requires 15 lbf to pull open. ADAAG 4.13.11 allows for a maximum force for pushing or pulling to open a door to be 5 lbf.

- At the time of OCR's on-site investigation, a garbage can was located in the clear floor space immediately behind the men's restroom door, preventing the door from opening completely and limiting the clear floor space in front of the door to less than 40 inches. ADAAG 4.13.6 requires 48 inches of clear space in front of an inward swinging door.

F. Physical Education Building

The Physical Education Building includes gymnasiums and other athletic spaces, locker rooms, a multi-purpose arena, classrooms, and faculty and administrative offices. It was originally constructed in 1969. The university renovated the first floor restrooms beginning in late February 1991 and installed bleacher seating in the Straugh Gymnasium in 2003.

1. Locker Rooms (Program accessibility)

- The shower rooms require users to step up 7 inches into the shower room. As guidance, ADAAG 4.3.8 states that changes in level greater than 0.5 inches should have a curb ramp, ramp, elevator, or platform lift.
- The roll-in showers do not include grab bars or a seat. As guidance, ADAAG 4.21.3 and 4.21.4 state that seats and grab bars should be provided in shower stalls.
- The toilet facilities in the locker rooms are inaccessible in that they have no grab bars or other accessible features. As a guideline to accessibility, ADAAG 4.22 requires toilet facilities to be accessible and that toilet stalls should include grab bars among other accessible features.

2. First Floor Public Restrooms (UFAS - Renovated in 1991)

- Back grab bars in both restrooms are 31 inches long. UFAS 4.17.6 requires back grab bars be a minimum of 36 inches long.
- The faucet on the men's restroom sink requires constant pressure to maintain the flow of water. UFAS 4.19.5 requires that self-

closing valves are allowed if the faucet remains open for at least 10 seconds.

- The men's restroom sink has a knee clearance of 26.5 inches. UFAS 4.19.2 requires lavatories to have at least 29 inches of clearance from the floor to the bottom of the apron.
- The bottom of the mirror in both restrooms is 51 inches above the finish floor. UFAS 4.19.6 requires that mirrors shall be mounted with the bottom edge of the reflecting surface no higher than 40 inches from the floor.
- The men's restroom urinal has a front lip that is 20 inches high. UFAS 4.18.2 requires that urinals shall have an elongated rim at a maximum of 17 inches above the floor.
- The men's restroom urinals are separated by panels with clear space that is 22 and 24 inches wide and extends 56 inches from the wall. UFAS 4.18.3 requires that clear floor space 30 inches by 48 inches shall be provided in front of urinals for a forward approach.
- The paper towel dispensers in both restrooms require a forward approach and have controls that are 49.5 inches high. UFAS 4.2.5 places the maximum forward reach for operating mechanisms at 48 inches.

3. First Floor Drinking Fountain (Program accessibility)

- The drinking fountain spout is 45 inches high. As guidance, ADAAG 4.15.2 allows for a spout height to be a maximum of 36 inches measured from the floor to the spout outlet.
- The drinking fountain controls are on the top of the spout. As guidance, ADAAG 4.15.4 states that controls shall be front or side mounted.
- The drinking fountain requires 12 lbf to operate. As guidance, ADAAG 4.27.4 requires controls to be operable with a force not greater than 5 lbf.

4. Ticket Booth and Concession Stand (Program accessibility)

- The height of the ticket booth counter is 43.5 inches high. As guidance, ADAAG 7.2 states that, where service counters exceed 36 inches in height, an auxiliary counter or portion of the main counter shall be provided with a maximum height of between 28 and 34 inches above the floor.
- The height of the concession stand counter is 40 inches high. As guidance, ADAAG 5.2 states that food service lines should have tray slides mounted no higher than 42 inches above the floor.

5. Straugh Gymnasium Bleachers (ADAAG - Installed 2003)

- The bleachers accommodate 1,350 spectators with 12 accessible wheelchair seating locations. ADAAG 4.1.3(19)(a) requires assembly areas of this size to have 13 wheelchair seating locations.

G. Main Hall

Main Hall houses classrooms, faculty and administrative offices, music and specialized art classrooms (ceramics, glass blowing, painting), and two auditoriums. Main Hall was constructed in 1896. In 1906, the building received its first addition. The 1896 and 1906 structures are listed on the National Register of Historic Places. In 1924, the south wing was constructed. In 1952, the auditorium wing was constructed.

In 1989, the university installed the museum entrance and renovated the restrooms adjacent to the museum and installed the ramp in the museum. In 1995, the university added designated wheelchair seating to Beier Auditorium. In 1998, the university renovated the third floor restrooms and nearby ramp and added seating in the small auditorium. In 1999, the university renovated and installed the elevator and the elevator entrance. In 2007, the university installed three lifts.

1896 and 1906 Main Hall Structures

1. East Elevator Entrance (ADAAG - Renovated 1999)

- At the time of OCR's on-site investigation, the automatic door opener for the east entrance was inoperable. The Title II regulation at 28 C.F.R. 35.133(a) requires that a public entity maintain in operable working condition those features of

facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.

2. Elevator (ADAAG - Renovated 1999)

- The elevator doors require contact to stop closing. ADAAG 4.10.6 requires that elevator doors open and close automatically, that they have a reopening device that will automatically stop and reopen a car door and hoistway door if the door becomes obstructed, and that the device be capable of completing these operations without requiring contact with an obstruction passing through the opening.

3. Second Floor Ramp to 1924 Addition (Program accessibility - installed with 1924 addition)

- The second floor has a ramp that appears to connect the 1906 structure with the 1924 structure. A 10 foot long portion of the hallway has a slope ranging between 11.8 percent and 12.5 percent and has no adjacent handrails. As guidance, ADAAG 4.8.1 states that any part of an accessible route with a slope greater than 5.0 percent should be considered a ramp. ADAAG also states that the maximum slope of a ramp should be 8.33 percent. Further, ADAAG 4.8.5 states that a ramp with a rise greater than 6 inches or a run that has a horizontal projection of more than 72 inches should have handrails.

4. Third Floor Restrooms (ADAAG - Renovated 1998)

- The pipes under the sinks are not insulated. ADAAG 4.19.4 requires that hot water and drain pipes under lavatories be insulated or otherwise configured to protect against contact.
- The mirrors are 43.5 inches high. ADAAG 4.19.6 requires that mirrors be mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finish floor.
- The light and fan switches in both rooms require pinching and twisting to operate. ADAAG 4.27.4 requires that controls and operating mechanisms shall not require tight grasping, pinching, or twisting of the wrist.

- The clear floor space in front of the women's restroom is limited due to a ramp in the hallway. The bottom of the ramp ends at the handle side of the women's restroom doorway. ADAAG 4.13.6 requires minimum maneuvering clearances at doors that are not automatic or power-assisted. For inward swinging doors, ADAAG requires a minimum of 24 inches of clear floor space past the handle side of the doorway.

5. Third Floor Ramp by Restrooms (ADAAG - Renovated 1998)

- The handrails of the third floor ramp by the restrooms are 30.125 to 30.5 inches high. ADAAG 4.8.5 requires the top of handrails be mounted between 34 and 38 inches above the ramp surface.
- The handrail on the women's restroom side of the hall stops at the end of the run due to the location of the women's restroom door. ADAAG 4.8.5 requires handrails to extend at least 12 inches beyond the bottom of a ramp segment.

6. Third Floor Ramp By Room 316 (Program accessibility - installed with 1906 addition)

- The third floor ramp by Room 316 is a 12 foot long portion of the hallway and has a slope ranging between 12.0 percent and 12.3 percent and has no adjacent handrails. As guidance, ADAAG 4.8.1 states that any part of an accessible route with a slope greater than 5.0 percent shall be considered a ramp. ADAAG also states that the maximum slope of ramps should be 8.33 percent. Further, ADAAG 4.8.5 states that a ramp with a rise greater than 6 inches or a run that has a horizontal projection of more than 72 inches should have handrails.

7. Small Auditorium (Program accessibility - constructed 1906)
(ADAAG - Ramp and wheelchair seating renovation in 1998)

- The ramp to the stage has a slope between 8.7 percent and 9.0 percent. ADAAG 4.8.1 requires that the maximum slope of ramps be 8.33 percent.

- The handrails are 30.125 to 30.5 inches high. ADAAG 4.8.5 requires the top of handrails to be mounted between 34 and 38 inches above the ramp surface.
- At the top and bottom of the ramp, the handrail does not run 12 inches past the end of the run. ADAAG 4.8.5 requires handrails to extend at least 12 inches beyond the bottom of a ramp segment.

1924 Main Hall Structure

8. Women's restroom by museum (ANSI - Renovated 1989)

- The women's restroom stall varies between 52.5 inches wide on the back half to 56.5 inches in width in the half closest to the door. The stall more closely resembles a standard ADAAG stall than an ANSI stall. ANSI does not provide a standard for stalls that are configured in this manner. As guidance, ADAAG 4.17.3 states that stalls of this configuration should be 60 inches wide.

9. Men's restroom by museum (ANSI - Renovated 1989)

- The men's restroom sink rim height is 30.75 inches and provides knee clearance of 22.5 inches. ANSI 5.6.3 states that toilet rooms shall have lavatories with narrow aprons, which when mounted at standard height are usable by wheelchair users; or shall have lavatories mounted higher so that they are usable by wheelchair users. ANSI 3.1 calculates the height of a standard wheelchair seat from the floor to be 19.5 inches. The gap between the top of a standard seat and the bottom of the sink in this situation is 3.0 inches, which is not sufficient knee clearance for wheelchair users.
- The men's restroom pipes under the sink are not insulated. ANSI 5.6.3 states that it is important that drain pipes and hot water pipes under lavatories be covered or insulated so that wheelchair users without sensation will not burn themselves.
- The height of the front rim of the urinal is 23.5 inches from the floor. ANSI 5.6.5 requires that the opening of the urinal basin be 19 inches from the floor.

- The soap dispensers require forward approach and the operating mechanisms are located 51 inches above the floor. ANSI 5.6.6 requires that dispenser units be mounted no higher than 40 inches from the floor.
10. Ramp in museum (ANSI - Renovated 1989)
- The ramp handrail is 30.5 to 31 inches high above the ramp. ANSI 5.1.2 requires a handrail to be 32 inches high.
 - The handrail ends approximately 6 inches before the bottom of the run and extends about 6 inches beyond the top of the run. ANSI 5.1.2 requires handrails to extend 12 inches beyond the top and bottom of a ramp.
11. Lift between second and third floors (ADAAG - Renovated 2007)
- The door to enter the lift requires 10 lbf to pull open and 11 lbf to push open. ADAAG 4.13.11 requires a maximum of 5 lbf to open an interior door.

1952 Main Hall Structure

12. Ceramics Studio (Program accessibility - original 1952 structure)
- The only access to the ceramics studio requires the use of stairs. As guidance, ADAAG 4.3.8 states that an accessible route does not include stairs, steps, or escalators.
13. Beier Auditorium (ADAAG - Wheelchair seating locations constructed in 1995. All other components program accessibility)
- The Beier Auditorium wheelchair seating spaces are 34 inches wide by 32 inches deep. ADAAG 4.32.2 requires wheelchair spaces to be 30 inches wide and 48 inches deep.
 - The slope of the aisle ranges from 19.8 percent at the doorway to 8.0 percent immediately adjacent to the wheelchair space. As guidance, ADAAG 4.8.2 states that any route with a slope

greater than 5.0 percent constitutes a ramp and such ramps should not have a slope greater than 8.33 percent.

H. Route to the Industrial Technology Metals Building

The Industrial Technology Metals (IT-Metals) Building is located diagonally from the main campus on the southwest corner of Atlantic and Poindexter Streets. The building provides a shop area for metals courses and the glass blowing studio. The building was constructed in 1951.

1. Ramp between Main Hall and Poindexter Street (ADAAG - Constructed 2001)

- The ramp has no level landing at the top of the run. ADAAG 4.8.4 requires a level landing at the bottom and top of each ramp and each ramp run.
- There is no level landing where the ramp changes direction. At the location where the ramp changes direction, the surface has a 7.4 percent slope and a 3.1 percent cross-slope. ADAAG 4.8.6 requires that the cross slope of ramp surfaces be no greater than 2.0 percent.
- The ramp has a rise of approximately 14 inches and has no handrails. ADAAG 4.8.5 requires that if a ramp run has a rise greater than 6 inches, it shall have handrails on each side.
- The landing at the bottom of the ramp runs about 20 to 30 inches before sloping into a curb ramp. ADAAG 4.8.4 requires a landing length to be a minimum of 60 inches clear.

2. Route across Poindexter and Atlantic Streets (Program accessibility)

- The ramp ends at a sidewalk on the north side of Poindexter Street. The sidewalk on the northeast corner of the intersection of Poindexter and Atlantic Streets does not have a curb ramp. Wheelchair users are required to cross Poindexter Street at the curb ramp located near the end of the ramp. The curb ramp is located in mid-block behind parked cars and has no marked crosswalk.

- Upon crossing Poindexter Street, wheelchair users are required to maneuver into the intersection of Poindexter and Atlantic Streets, while in the street, as there is no sidewalk available on the south side of Poindexter. This also requires wheelchair users to cross the driveway of a restaurant parking lot. At the time of OCR's on-site investigation, the area was covered with standing water, which required wheelchair users to move further out into the street.
- Upon reaching the southeast corner of the intersection of Poindexter and Atlantic Streets, wheelchair users are able to cross Atlantic at a marked crosswalk and maneuver up a curb ramp on the southwest corner to the sidewalk in front of the IT-Metals Building.

Based on the above, there is no accessible route from the main campus or designated parking to the IT Metals Building. ADAAG 4.3.2 requires at least one accessible route shall connect accessible parking to the accessible building entrance they serve and at least one route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

I. Curious Minds Childcare Center

The Curious Minds Childcare Center is located in a one-story house that was constructed in 1954. Students in early childhood education courses take laboratory classes at the center. There have been no alterations to this facility.

1. Entrance (Program accessibility)

- The only access to the interior of the childcare center requires the use of stairs. As guidance, ADAAG 4.3.8 states that an accessible route does not include stairs, steps or escalators.

2. Accessible Routes (Program accessibility)

- The adjacent outside playground area requires maneuvering across varying levels of sidewalk, grass, and wood chips. As guidance, ADAAG 4.5.1 states that ground surfaces along accessible routes should be stable, firm, and slip-resistant.

J. Student Residence Halls

The university maintains five buildings for housing students. The residence hall program provides 214 dormitory rooms with 2 of these rooms designated as accessible. The two dormitory rooms designated as accessible are located in Centennial Hall. For guidance, ADAAG 9.1 requires transient lodging, which includes dormitories, to provide 7 accessible rooms when the total number of rooms being provided is between 201 and 300.

Centennial Hall

Centennial Hall was constructed in 1964. In 1991, the university renovated the south entrance and installed an automatic door opener. In 1992, the university remodeled the shared bathroom on the second floor and remodeled two rooms and installed adjoining restrooms. These two rooms have been designated as accessible by the university. The second floor is the only accessible floor in Centennial. The second floors of Centennial and Davis Halls connect.

1. Centennial Hall South Entrance (UFAS - Renovated 1991)
 - The inside vestibule door requires 9 lbf to pull open and 10 lbf to push open. UFAS 4.13.11 allows for a maximum force for pushing or pulling open a door to be 5 lbf.
2. Centennial Hall Second Floor Communal Bathroom (ADAAG - Renovated 1992)
 - The second floor bathroom doorknob requires grasping and twisting to operate. ADAAG 4.13.9 requires that doorknobs shall not require tight grasping, tight pinching, or twisting of the wrist.
 - The door requires 12 lbf to push open. ADAAG 4.13.11 allows for a maximum force for pushing or pulling open a door to be 5 lbf.
 - The paper towel dispenser controls are 56.5 inches high. ADAAG 4.2.5 places the maximum forward reach for operating mechanisms at 48 inches high and, for side approach, 54 inches.

- The maneuvering space in front of the shower is 44 by 41 inches. ADAAG 4.21.2 requires that clear floor space in front of the shower stall be 36 by 48 inches.
 - The shower seat is missing. ADAAG 4.21.3 requires a seat be provided in shower stalls.
3. Centennial Hall Room 210 (ADAAG - Renovated 1992) Room 210 is designated by the university as accessible.
- The height of the Room 210 clothes hook is 72.5 inches from the floor, the height of the window latch is 60.5 inches, and the height of the thermostat control is 58.25 inches. ADAAG 4.27.3 requires that the highest operable parts of controls, dispensers, receptacles, and other operable equipment be located within the ranges specified in ADAAG 4.2.5 and 4.2.6, which place the maximum forward reach at 48 inches and 54 inches for side approach.
 - The fan timer requires pinching and twisting to operate. ADAAG 4.27.4 requires that controls and operating mechanisms shall not require tight grasping, pinching, or twisting of the wrist.
 - The shower seat is 30.5 inches wide in the 36 inch deep shower. ADAAG 4.21.3 requires that shower seats extend the full depth of the shower stall.
 - The pipes under the sink are not insulated. ADAAG 4.19.4 requires that hot water and drain pipes under lavatories be insulated or otherwise configured to protect against contact.
 - The desk allows for 25.5 inches of knee clearance and is 23 inches wide. ADAAG 4.32.3 requires knee clearances of at least 27 inches high and 30 inches wide.
4. Centennial Hall Room 214 (ADAAG - Renovated 1992) Room 214 is designated by the university as accessible.
- The Room 214 thermostat control is 58 inches high. ADAAG 4.27.3 requires that the highest operable parts of controls, dispensers, receptacles, and other operable equipment be located within the ranges specified in ADAAG 4.2.5 and 4.2.6, which

place the maximum forward reach at 48 inches and, for side approach, 54 inches.

- The fan timer requires pinching and twisting to operate. ADAAG 4.27.4 requires that controls and operating mechanisms shall not require tight grasping, pinching, or twisting of the wrist.
- The back bar above the toilet is 30.25 inches high. ADAAG 4.17.6 requires back grab bars above toilets to be 33-36 inches high.

5. Centennial Hall Laundry Room (Program accessibility)

- The layout of the Centennial Hall laundry room does not allow for space for wheelchair users to make a 180 degree turn. As guidance, ADAAG 4.2.3 requires space along an accessible route to allow for wheelchair users to make a 180 degree turn.
- The laundry room detergent machine requires grasping to operate. As guidance, ADAAG 4.27.4 states that controls and operating mechanisms should not require tight grasping, pinching, or twisting of the wrist.

Davis Hall

Davis Hall was constructed in 1959. The second floor of Davis Hall houses university administrative offices, including disability services. The second floor of Davis connects with the second floor of Centennial Hall. The university does not advertise any rooms in Davis as accessible for residents, and Davis has no accessible residences.

In 1998, the university renovated the west entrance, public restrooms on the second floor, and installed a ramp to the west entrance.

1. Davis Hall West Entrance (ADAAG - Renovated in 1998)

- The force required to operate the Davis Hall entrance automatic door opener is 10 lbf. ADAAG 4.27.4 requires that the force to activate controls and operating mechanisms be no greater than 5 lbf.

2. Davis Hall Public Restrooms (ADAAG - Renovated 1998)

- At the time of OCR's on-site investigation, the maneuvering space behind the Davis Hall public men's and women's restroom doors was partially blocked by a garbage can limiting the clear floor space to less than 40 inches. ADAAG 4.13.6 requires 48 inches of clear space in front of an inward swinging door.
- The men's restroom door requires 14 lbf to push and pull open. The women's restroom door requires 10 lbf to push and pull open. ADAAG 4.13.11 allows for a maximum force for pushing or pulling to open a door to be 5 lbf.
- The men's restroom mirror is 44.5 inches high. ADAAG 4.19.6 requires mirrors to be mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finish floor.
- There is no soap dispenser located near the accessible sinks in the men's or women's public restrooms and the soap dispensers that are located in the restrooms require a forward approach and are 50.5 inches high. ADAAG 4.2.5 places the maximum forward reach at 48 inches.
- The paper towel dispenser controls in both the men's and women's public restrooms are 50.5 inches high and require a forward approach by wheelchair users if the adjacent hand dryers are in use. ADAAG 4.2.5 places the maximum forward reach at 48 inches.

Jordan Hall

Jordan Hall was built in 1958. The university identified the first floor of Jordan Hall as accessible to visitors. Access to the upper floors of Jordan Hall requires the use of stairs. The university does not advertise any rooms in Jordan as accessible for residents, and Jordan has no accessible residences.

1. Jordan Hall Entrance Doorway (Program accessibility)

- The Jordan Hall entrance door width is 30 inches. As guidance, ADAAG 4.13.5 states that a door should have a minimum clear opening of 32 inches.
- At the time of OCR's on-site investigation, the entrance door closer was broken so that the door shut in less than 3 seconds. As guidance, ADAAG 4.13.10 states that if a door has a closer, the sweep period of the closer should be adjusted so that from an open position of 70 degrees the door will take at least 3 seconds to move to a point 3 inches from the latch, measured to the leading edge of the door.

Mathews Hall

Mathews Hall was constructed in 1919. Mathews Hall contains the campus dining facility for all housing residents and a conference center. The university does not advertise any rooms in Mathews as accessible for residents, and Mathews has no accessible residences.

In 1998, the university renovated the exterior ramps to the lower level. In 1998, the university renovated the public restrooms and installed an elevator.

1. Mathews Hall Exterior Entrance Ramp (ADAAG - Renovated 1998)

- The Mathews Hall exterior entrance ramp handrails do not have parallel extensions running 12 inches past the end of each run. ADAAG 4.8.5 requires handrails to extend at least 12 inches beyond the top and bottom of the ramp segments.
- The drainage grates along the ramp and at the entrance landing have elongated holes running in the direction of travel. ADAAG 4.5.4 requires that if gratings are located in walking surfaces and have elongated openings, they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

Family Housing

The Family Housing building contains 16 apartments that have a living room, kitchen, bathroom, and bedroom. The Family Housing building was

constructed in 1958, and none of the apartments in the building have been renovated since they were constructed.

- None of the Family Housing apartments are accessible to wheelchair users.
- The university provides no alternative, accessible housing for married students and their families. The Section 504 regulation at 34 C.F.R. 104.45(a) requires that a covered entity that provides housing to its nondisabled students shall provide comparable, convenient, and accessible housing to disabled students at the same cost as to others and that such housing shall be available in sufficient quantity and variety so that the scope of disabled students' choice of living accommodations is, as a whole, comparable to that of nondisabled students.

K. Campus Parking

The university has six parking lots located along the periphery of the campus. In addition, the university provides two parking spaces designated as accessible along the service drive that runs through the center of campus. The campus is not large and many of the accessible spaces serve more than one building.

- In some instances, the university's campus map depicts accessible spaces that OCR did not find during its on-site investigation and, therefore, we found that the campus map provided inaccurate information with respect to the location of accessible parking spaces. The Section 504 regulation at 34 C.F.R. 104.22(f) provides that covered entities shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities.
1. Northeast Parking Lot (Family Housing, Jordan, and Clark) (ADAAG - Repaved 1995)
 - The Northeast Parking Lot has 137 spaces with 3 designated as accessible on the campus map. One of these spaces was designated as van accessible. ADAAG 4.1.2 requires 5 accessible spaces in a parking lot with 137 spaces.
 - One space designated as accessible does not have an aisle and is closest to the Family Housing entrance, which is not accessible.

ADAAG 4.6.2 requires that accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. ADAAG 4.6.3 requires that access aisles be part of an accessible route to a building served by the space.

- The access aisle between two spaces designated as accessible has a hole that is 7 inches across and 0.5 inches deep. In addition, another access aisle has holes of 3 and 5 inch widths and 0.5 inches deep. ADAAG 4.5.1 requires that ground surfaces along accessible routes be stable, firm, and slip-resistant.
- The transition from the parking lot to the sidewalk requires a 0.5 inch vertical transition at the curb ramps. ADAAG 4.7.2 requires that transitions from ramps to walks, gutters, or streets be flush and free of abrupt changes.

2. East Parking Lot (Davis, Centennial, and Clark Halls and Physical Education Building) (ADAAG - Repaved 1990s.)

The university reported that this lot was repaved during the decade of the 1990s, and OCR has accordingly applied ADAAG to it.

- The East Parking Lot has about 65 spaces. The campus map provided to OCR by the university identified 65 spaces. The campus map identified 5 spaces as accessible; however during our on-site investigation, OCR only located 4 spaces marked with signs as accessible, none of which are designated as van accessible. ADAAG 4.1.2 requires 3 accessible spaces in a parking lot of between 51 and 75 spaces with not less than one accessible space designated as van accessible.
- Three spaces in the East Parking Lot have faded or non-existent markings on the ground indicating their location or the location of the access aisles. Therefore, OCR was unable to determine the size of the spaces and access aisles. ADAAG 4.6.3 establishes specific dimensions for these features including a minimum 96 inch wide space and 60 inch wide access aisle (96 inch wide aisle for van accessible spaces).
- One space in the East Parking Lot has been repaired in a manner that creates a large slab of mounded concrete which is not level and has irregular edges filled with weeds where it meets the old

pavement. ADAAG 4.6.3 requires that spaces and access aisles shall be level with surface slopes not exceeding 2.0 percent in all directions.

- The East Parking Lot space closest to the Physical Education Building has an access aisle with slopes running 2.4 percent in the center of the aisle and 3.4 percent near the curb ramp. ADAAG 4.6.3 requires that access aisles shall be level with surface slopes not exceeding 2.0 percent in all directions.
 - The curb ramp by the Physical Education Building is not flush with the sidewalk or pavement and requires a 0.75 inch vertical transition. ADAAG 4.7.2 requires that transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes.
 - The East Parking Lot space closest to Clark and Centennial Halls appears to provide access to the north end of Centennial and west end of Clark; however, the route to those entrances is inaccessible because the sidewalk has a slope of 10.8 percent and no ramp. There is no signage directing individuals to the accessible entrance to Centennial or Clark Halls. ADAAG 4.1.2(7)(c) requires that when not all entrances to a building are accessible, inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance.
 - The curb ramp closest to the accessible entrance of Centennial Hall has a slope of 11.1 percent. ADAAG 4.7.2 requires curb ramps to have slopes not greater than 8.33 percent.
3. South Parking Lot (Physical Education Building, Student Union, Swysgood, Library, Short Center, and Block Hall) (ADAAG - Repaved 1995)
- The South Parking Lot has 109 spaces with 7 designated as accessible on the campus map; however during our on-site investigation, OCR located only 4 spaces marked as accessible, one of which is designated as van accessible. ADAAG 4.1.2 requires 5 spaces to be accessible in a parking lot with 109 spaces.
 - At the time of OCR's on-site investigation, one of the South Parking Lot spaces near the Physical Education Building had

a sign that was partially hidden by shrubbery. ADAAG 4.6.4 requires accessible spaces to be designated by a sign as reserved by a sign showing the symbol of accessibility.

4. Student Union Building Parking Lot (Student Union) (ADAA - Relined recently)

- The Student Union Building Parking Lot has 19 spaces, one of which is designated as accessible on the campus map. The space designated as accessible is not designated as van accessible. ADAAG 4.1.2 requires that one space be accessible in a parking lot with 19 spaces and that it be designated as van accessible.
- The Student Union Building Parking Lot space designated as accessible does not have an access aisle. ADAAG 4.6.3 requires that access aisles be part of an accessible route to the building.
- The space designated as accessible is on the shortest route to the accessible entrance; however, the inaccessible entrance to the Student Union Building is closer and there is no signage directing individuals to the accessible entrance. ADAAG 4.1.2(7)(c) requires that when not all entrances to a building are accessible, inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance.
- The route from the Student Union Building Parking Lot to the sidewalk requires a 1.75 inch vertical transition. ADAAG 4.3.8 requires that changes in levels along an accessible route greater than 0.5 inches shall have a curb ramp, ramp, elevator, or platform lift.

5. West Parking Lot (Main Hall) (ADAAG - Repaved 2000)

- The West Parking Lot has 90 spaces, two of which are designated as accessible on the campus map. None of the spaces are designated as van accessible. ADAAG 4.1.2 requires that 4 spaces be accessible in a parking lot with 90 spaces and that at least one be designated as van accessible.

- Neither of the West Parking Lot spaces designated as accessible have access aisles. ADAAG 4.6.3 requires that access aisles be part of an accessible route to a building.
6. North Parking Lot (Mathews Hall) (ADAAG - Repaved in 2000)
- The North Parking Lot has 21 spaces, one of which is designated as accessible on the campus map. ADAAG 4.1.2 requires one space to be accessible in a parking lot with 21 spaces.
 - The North Parking Lot space designated as accessible is designated as van accessible; however, the width of the access aisle is 61 inches. ADAAG 4.1.2 requires not less than one accessible space in a parking lot be designated as van accessible with such a space having an access aisle of 96 inches wide at a minimum.
 - The North Parking Lot space designated as accessible is located near an inaccessible entrance to Mathews Hall. There is no signage directing individuals to the accessible entrance. ADAAG 4.1.2(7)(c) requires that when not all entrances to a building are accessible, inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance.
7. Service Drive Parking Spaces (Main Hall, IT-Woods, Short Center) (ADAAG - Recently designated)
- The university designated 3 accessible parking spaces in the Service Drive on its campus map; however, OCR located only 2 marked spaces in the service drive.
 - One of the Service Drive Parking spaces does not include an access aisle; wheelchair users parking in that spot must exit into the traffic lane. ADAAG 4.6.3 requires that access aisles be part of an accessible route to a building.

L. Vigilante Field

Vigilante Field is the university's football stadium.

1. Restrooms (ADAAG - Renovated 2006)

- The side grab bars in the men's and women's restroom accessible stalls are 24 inches long. ADAAG 4.17.6 requires a side grab bar to be a minimum of 42 inches long.
- The mirrors in the men's and women's restrooms are 48.5 inches high at the bottom. ADAAG 4.19.6 requires mirrors to be mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finish floor.

2. Grandstand (ADAAG - Installed 1997)

- The new grandstand seats 988 spectators of which 6 are designated as wheelchair seating locations. ADAAG 4.1.3(19)(a) requires assembly areas of this size to have 10 wheelchair locations.

M. Birch Creek Retreat Center

The university operates a retreat center on U.S. Forest Service property about 20 miles north of the main campus. The original buildings are U. S. Forest Service property that were built in the 1930s by the Civilian Conservation Corps and are listed on the National Register of Historic Places.

The Bender Center was built by the university (with the Forest Service's approval) in 1985. The only alteration to the Bender Center since construction was the addition of the ramp to the back deck in 1990. ANSI applies to the entire facility.

1. Parking Lot

- The parking lot is gravel and has no marked parking spaces. The lot has no designated accessible parking space. ANSI 4.3.1 requires that spaces that are accessible and proximate to the facility be set aside and identified for use by individuals with disabilities.
- The route from the parking lot to the Bender Center requires a 4 inch step up to the concrete pad in front of the building. An alternate route requires navigating through a curb cut to a grassy area and a 2 inch step up to the concrete pad. ANSI 4.2.1

requires walks to be of a continuing common surface, not interrupted by steps or abrupt changes in level.

2. Exterior Route from Front to Rear Entrance

- The trail from the front entrance to the rear entrance runs uphill and varies in width but is approximately 36 inches wide. ANSI 4.2.1 requires walks to be at least 48 inches wide.
- The trail is composed of a mixture of gravel and dirt. The transition from the concrete pad in front of the building to the trail is relatively flush. OCR was unable to measure the slope of the trail because of its irregular construction. At the time of OCR's on-site investigation, the trail was covered with weeds and other plant growth that made the walk completely inaccessible. In addition, several picnic tables were lined up on what appeared to be the trail. Access from the trail to the entrance ramp, below, requires wheelchair users to maneuver down a hill through a mix of grass and dirt. The area is not level and has inconsistent footing. ANSI 4.2.2 requires walks to be of a continuous and common surface, not interrupted by steps or abrupt changes in level.

3. Rear Entrance

- The ramp is constructed out of plywood and wood. The plywood was used to eliminate a vertical rise of several inches at the end of the wooden ramp. The plywood area has a slope ranging from 18.9 to 20.2 percent. The lower third of the wooden ramp has a slope of 6.9 to 8.2 percent and the upper third has a slope of 10.1 to 10.5 percent. ANSI 5.1.1 requires a ramp to have a slope no greater than 8.33 percent.
- The landing at the bottom of the ramp is 39 inches long before ending at the edge of the building. ANSI 5.1.6 requires a ramp to have at least 72 inches of straight clearance at the bottom of a ramp.
- The ramp is located directly below a roof eave where water pours down when it rains. University staff members reported that the wooden ramp is often slippery after rain and is

beginning to rot because of this moisture. ANSI 5.1.3 requires a ramp to have a non-slip surface. The Title II regulation at 28 C.F.R. 35.133(a) requires that a public entity maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.

4. Public Restrooms

- Both restroom stalls are 44 inches wide and have grab bars only on one side. ANSI 5.6.2 requires toilet stalls to be 36 inches wide and have handrails on each side.
- The pipes under the sinks are not insulated. ANSI 5.6.3 notes that it is important that drain pipes and hot water pipes under a lavatory be covered or insulated so that wheelchair users without sensation will not burn themselves.
- The men's room urinal rim is 24 inches high at the front. ANSI 5.6.5 requires the rim to be no more than 19 inches from the floor.
- The men's room paper towel dispenser is 61.5 inches high. ANSI 5.6.6 requires that dispensers be no higher than 40 inches.
- The men's room mirror is 55 inches high. ANSI 5.6.4 requires that the bottom of a mirror should be no higher than 40 inches above the floor.

Compliance Conclusion

The regulations implementing Section 504 and Title II provide that no qualified individual with a disability shall, because facilities are inaccessible to or unusable by disabled individuals, be excluded from participation in, denied the benefits of services, programs or activities, or be subjected to discrimination by a recipient of federal financial assistance or a public entity. See 34 C.F.R. 104.21 and 28 C.F.R. 35.149. OCR found accessibility concerns at several of the university's buildings and parking areas. OCR concluded that the university has not fully complied with Section 504 and Title II with respect to the areas investigated in this compliance review.

The university and OCR entered into discussions regarding the compliance concerns identified by OCR. As a result of these discussions, the university has agreed to take the voluntary corrective actions set forth in the enclosed resolution agreement. We

have concluded that upon full implementation of the commitments in the agreement, the university will be in compliance with Section 504 and Title II with respect to the compliance concerns identified in this review. OCR will monitor the university's implementation of the agreement. After OCR determines that all the agreement's terms are satisfied, OCR will issue a final closure letter to the university.

The findings and conclusion presented in this letter apply only to the specific facts and issues of this compliance review. This determination of compliance with Section 504 and Title II is contingent upon the university's full implementation of the commitments set forth in the resolution agreement. The university's failure to honor these commitments may result in further action by OCR with respect to this case.

I thank you and your staff members for the cooperation extended to OCR during this compliance review. If you have any questions regarding this letter, please contact Mark Farr, equal opportunity specialist, by telephone at (206) 607-1607 or by e-mail at mark.farr@ed.gov.

Sincerely,

/s/

Gary D. Jackson
Director
Seattle Office

Enclosure: Resolution Agreement