

## **RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The University of Montana–Western (university) and the U.S. Department of Education, Office for Civil Rights (OCR) enter into this Resolution Agreement (agreement) to resolve the compliance concerns identified by OCR in its review (OCR Reference No. 10096002) conducted under the authority of section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations at 34 C.F.R. 104.21 and 28 C.F.R. 35.149.

### **II. GENERAL**

- A. This agreement resolves only those compliance concerns identified by OCR in OCR Reference No. 10096002 and does not constitute an admission by the university of any violation of Section 504, Title II, or any other law.
- B. In consideration of the university's full implementation of this agreement, OCR agrees not to initiate enforcement proceedings with respect to the compliance concerns identified in OCR Reference No. 10096002.
- C. In the event the university does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance with Section 504 and Title II and their implementing regulations.
- D. OCR will monitor the university's implementation of this agreement and will close this review (OCR Reference No. 10096002) upon the university's full implementation of this agreement.
- E. This agreement takes effect when signed by the authorized representatives of the university and OCR.

### III. REMEDIAL ACTIONS

The university will ensure that its programs and activities are readily accessible to and usable by individuals with disabilities. The university will address each compliance concern about the university's existing facilities and new construction as enumerated in Attachment A hereto, which is incorporated by reference into this agreement.

#### A. Existing Facilities

When providing programs and activities in facilities constructed prior to June 3, 1977 (existing facilities) that are not currently accessible to or usable by individuals with disabilities, the university may modify the operation of these programs and activities so that they are readily accessible to and usable by individuals with disabilities, such as by relocating the programs and activities to accessible facilities, or may make physical modifications to its existing facilities or parts of existing facilities in conformance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards (UFAS).

1. If the university offers access to its programs and activities through means other than physical modifications of its existing facilities that are not accessible to or usable by individuals with disabilities, the university will ensure that it provides notice to interested persons, including persons with impaired vision or hearing, consistent with the requirements of Section 504 and Title II and their implementing regulations. The university will issue notices in its publications used to inform applicants, students, employees, and other interested persons, about the university's programs, activities and facilities that are currently accessible to individuals with disabilities and about the university's facilities that are not currently accessible or fully accessible to individuals with disabilities. For those programs and activities located in facilities that are not fully accessible to individuals with disabilities, the notices will provide information about the methods the university employs to make its programs and activities readily accessible. As the university makes any physical modifications to its existing facilities, it will revise the notices to reflect those changes.

2. If the university makes physical modifications to its existing facilities so that those facilities are readily accessible to and usable by individuals with disabilities, the university will make all such modifications consistent with the accessibility requirements of Section 504 and Title II and their implementing regulations.

B. New Construction

The university will make physical modifications to its facilities constructed or modified on June 3, 1977 or later (new construction), to ensure that such facilities are readily accessible to and usable by individuals with disabilities. The university agrees that all physical modifications made will comply with the accessibility requirements of Section 504 and Title II and their implementing regulations.

**IV. REPORTING**

- A. By December 31, 2010, the university will provide OCR with a report that includes the notices disseminated pursuant to section III.A.1. of this agreement; a description of the methods of the university's dissemination of the notices; and a list of the publications in which the notices appear with the estimated printing schedule for each publication.
- B. By December 31, 2010, the university will provide OCR with a report that describes its plan and procedures for providing access to its programs and activities to individuals with disabilities in accordance with section III.A. of this agreement.
- C. By January 31, 2011, the university will provide OCR with a report that identifies its existing facilities listed in Attachment A hereto to which it will make physical modifications.
- D. By January 31, 2011, the university will provide OCR with a report that includes a detailed description of its plan for making physical modifications to its existing facilities and new construction identified in Attachment A hereto, including the schedule for completing such modifications.
- E. By June 30, 2011, December 31, 2011, and June 30, 2012, the university will provide OCR with a report demonstrating its progress in completing the facilities modifications pursuant to sections III.A.2. and III.B. of this agreement.

F. By December 31, 2012, the university will provide OCR with a report that includes documentation demonstrating that it has completed the facilities modifications pursuant to sections III.A.2. and III.B. of this agreement along with specifications, prints, drawings, and photographs with sufficient detail to demonstrate that the modifications were made consistent with applicable ADAAG or UFAS standards.

Signed:

/s/

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Dr. Richard Storey  
Chancellor  
University of Montana – Western

7/21/10

\_\_\_\_\_  
Date

/s/

\_\_\_\_\_  
Gary D. Jackson  
Director  
OCR Seattle Office

7/29/10

\_\_\_\_\_  
Date

## Attachment A

### University of Montana – Western Existing Facilities and New Construction

#### Existing Facilities

<b>FACILITY</b>	<b>FEATURE</b>	<b>IDENTIFIED BARRIER</b>
<b>James Short Center</b>	Main Floor Restrooms	<ul style="list-style-type: none"> <li>• Width of men’s restroom stall door</li> <li>• Length of side grab bars in both restrooms</li> </ul>
<b>Lucy Carson Library</b>	Main and Upper Level Restrooms	<ul style="list-style-type: none"> <li>• Inaccurate signage</li> </ul>
<b>Lucy Carson Library</b>	Elevator	<ul style="list-style-type: none"> <li>• No signage</li> <li>• Doors require contact to stop closing</li> <li>• Lack of clear floor space within elevator</li> </ul>
<b>Block Hall</b>	Southwest Entrance	<ul style="list-style-type: none"> <li>• Obstructed automatic door exterior operating mechanism</li> </ul>
<b>Block Hall</b>	Main Floor Restrooms	<ul style="list-style-type: none"> <li>• Length of side grab bars</li> <li>• Height of women’s restroom mirror</li> </ul>
<b>Block Hall</b>	Science Laboratories	<ul style="list-style-type: none"> <li>• Knee clearance of designated laboratory tables (Rooms 302, 306, and 309)</li> <li>• Inaccessible route within laboratory (Room 207)</li> <li>• Force to open door (Room 306)</li> <li>• Timing of door opening and closing (Room 306)</li> <li>• Door knob operating mechanism (Room 205)</li> </ul>
<b>Block Hall</b>	Lecture Hall	<ul style="list-style-type: none"> <li>• Force to open South and North doors</li> <li>• Timing of North door opening and closing</li> <li>• Knee clearance of designated seating</li> </ul>
<b>Block Hall</b>	Second Floor Fire Doors	<ul style="list-style-type: none"> <li>• Door knob operating mechanism</li> </ul>

## Existing Facilities

<b>FACILITY</b>	<b>FEATURE</b>	<b>IDENTIFIED BARRIER</b>
<b>Physical Education Building</b>	Locker Rooms	<ul style="list-style-type: none"> <li>• Change in level to access shower rooms</li> <li>• Roll-in showers lack seat and grab bars</li> <li>• Inaccessible toilet facilities</li> </ul>
<b>Physical Education Building</b>	First Floor Drinking Fountain	<ul style="list-style-type: none"> <li>• Height of spout</li> <li>• Location of controls</li> <li>• Force to operate controls</li> </ul>
<b>Physical Education Building</b>	Ticket Booth and Concession Stand	<ul style="list-style-type: none"> <li>• Height of ticket booth counter</li> <li>• Height of concession stand counter</li> </ul>
<b>Main Hall</b>	Second Floor Ramp to 1924 Addition	<ul style="list-style-type: none"> <li>• Slope of ramp</li> <li>• Lack of handrails</li> </ul>
<b>Main Hall</b>	Third Floor Ramp by Room 316	<ul style="list-style-type: none"> <li>• Slope of ramp</li> <li>• Lack of handrails</li> </ul>
<b>Main Hall</b>	Beier Auditorium	<ul style="list-style-type: none"> <li>• Slope of aisle</li> </ul>
<b>Main Hall</b>	Ceramics Studio	<ul style="list-style-type: none"> <li>• Access requires the use of stairs</li> </ul>
<b>IT- Metals</b>	Accessible Route from Campus	<ul style="list-style-type: none"> <li>• Lack of accessible route</li> </ul>
<b>Curious Minds Childcare Center</b>	Entrance	<ul style="list-style-type: none"> <li>• Access requires the use of stairs</li> </ul>
	Accessible Routes	<ul style="list-style-type: none"> <li>• Route to playground is not stable, firm or slip resistant</li> </ul>
<b>Residence Halls</b>	General	<ul style="list-style-type: none"> <li>• Inadequate number of accessible dormitory rooms</li> </ul>
<b>Centennial Hall</b>	Laundry Room	<ul style="list-style-type: none"> <li>• Lack of clear floor space</li> <li>• Detergent machine operating mechanisms</li> </ul>
<b>Jordan Hall</b>	Entrance	<ul style="list-style-type: none"> <li>• Entrance door width</li> <li>• Timing of door closing and maintenance of closer</li> </ul>
<b>Family Housing</b>	Facility	<ul style="list-style-type: none"> <li>• No accessible apartments and no alternative housing provided to married students</li> </ul>
<b>Parking</b>	General	<ul style="list-style-type: none"> <li>• Inaccuracy of campus map</li> </ul>

## New Construction

<b>FACILITY</b>	<b>FEATURE</b>	<b>IDENTIFIED BARRIER</b>
<b>Lucy Carson Library</b>	East Entrance	<ul style="list-style-type: none"> <li>• Timing of inner and outer door opening and closing</li> <li>• Lack of clear floor space in front of operating mechanism</li> </ul>
<b>Lucy Carson Library</b>	Lower Level Men's Restroom	<ul style="list-style-type: none"> <li>• Inaccessible route to urinal</li> </ul>
<b>Swysgood Technology Center</b>	West Entrance	<ul style="list-style-type: none"> <li>• Timing of door opening and closing</li> <li>• Maintenance of operating mechanism</li> <li>• Lack of clear floor space in front of operating mechanism</li> </ul>
<b>Swysgood Technology Center</b>	Interior Doorways	<ul style="list-style-type: none"> <li>• Force to open doors for all restrooms, upper level multipurpose room and room 103.</li> </ul>
<b>Swysgood Technology Center</b>	Main Floor Women's Restroom	<ul style="list-style-type: none"> <li>• Operating mechanism for feminine hygiene product dispenser</li> </ul>
<b>Swysgood Technology Center</b>	Lower Level Ramp	<ul style="list-style-type: none"> <li>• Lack of handrails</li> </ul>
<b>Student Union Building</b>	East Entrance	<ul style="list-style-type: none"> <li>• Force to open inner vestibule door</li> </ul>
<b>Student Union Building</b>	Main Floor Restrooms	<ul style="list-style-type: none"> <li>• Force to open men's and women's restroom doors</li> <li>• Lack of clear floor space behind men's restroom door</li> </ul>
<b>Physical Education Building</b>	First Floor Public Restrooms	<ul style="list-style-type: none"> <li>• Length of back grab bars in men's and women's restrooms</li> <li>• Men's restroom faucet operating mechanism</li> <li>• Men's restroom sink knee clearance</li> <li>• Height of mirrors and paper towel dispensers in men's and women's restrooms</li> <li>• Men's restroom urinal height and lack of clear floor space</li> </ul>
<b>Physical Education Building</b>	Straugh Gymnasium Bleachers	<ul style="list-style-type: none"> <li>• Inadequate number of accessible seats</li> </ul>

## New Construction

<b>FACILITY</b>	<b>FEATURE</b>	<b>IDENTIFIED BARRIER</b>
<b>Main Hall</b>	East Elevator Entrance	<ul style="list-style-type: none"> <li>• Maintenance of door operating mechanism</li> </ul>
<b>Main Hall</b>	Elevator	<ul style="list-style-type: none"> <li>• Doors require contact to stop closing</li> </ul>
<b>Main Hall</b>	Third Floor Restrooms	<ul style="list-style-type: none"> <li>• Lack of sink pipe insulation in men's and women's restrooms</li> <li>• Height of mirrors in men's and women's restrooms</li> <li>• Light and fan operating mechanisms in men's and women's restrooms</li> <li>• Lack of clear floor space in front of women's restroom door</li> </ul>
<b>Main Hall</b>	Third Floor Ramp by Restrooms	<ul style="list-style-type: none"> <li>• Height of handrails</li> <li>• Extension of handrails</li> </ul>
<b>Main Hall</b>	Lift Between Second and Third Floors	<ul style="list-style-type: none"> <li>• Force to open lift door</li> </ul>
<b>Main Hall</b>	Small Auditorium	<ul style="list-style-type: none"> <li>• Slope of ramp to stage</li> <li>• Height of ramp handrails</li> <li>• Extension of ramp handrails</li> </ul>
<b>Main Hall</b>	Beier Auditorium	<ul style="list-style-type: none"> <li>• Size of wheelchair designated seats</li> </ul>
<b>Main Hall</b>	Museum Restrooms	<ul style="list-style-type: none"> <li>• Width of women's restroom stall</li> <li>• Height of men's restroom sink</li> <li>• Lack of sink pipe insulation in men's restroom</li> <li>• Height of men's restroom urinal</li> <li>• Height of soap dispensers in men's restroom</li> </ul>
<b>Main Hall</b>	Museum Ramp	<ul style="list-style-type: none"> <li>• Height of handrails</li> <li>• Extension of handrails</li> </ul>

## New Construction

FACILITY	FEATURE	IDENTIFIED BARRIER
<b>IT- Metals</b>	Accessible Route and Ramp from Campus	<ul style="list-style-type: none"> <li>• Lack of level landings at top of run and where ramp changes direction</li> <li>• Lack of handrails</li> <li>• Clear length of lower landing</li> </ul>
<b>Centennial Hall</b>	South Entrance	<ul style="list-style-type: none"> <li>• Force to open inside vestibule door</li> </ul>
<b>Centennial Hall</b>	Second Floor Communal Bathroom	<ul style="list-style-type: none"> <li>• Door knob operating mechanism</li> <li>• Force to open door</li> <li>• Height of paper towel dispenser</li> <li>• Lack of clear floor space in front of shower</li> <li>• Lack of shower seat</li> </ul>
<b>Centennial Hall</b>	Room 210	<ul style="list-style-type: none"> <li>• Height of clothes hook, window latch and thermostat controls.</li> <li>• Fan timer operating mechanism</li> <li>• Size of shower seat</li> <li>• Lack of sink pipe insulation</li> <li>• Lack of desk knee clearance</li> </ul>
<b>Centennial Hall</b>	Room 214	<ul style="list-style-type: none"> <li>• Height of thermostat controls</li> <li>• Fan timer operating mechanism</li> <li>• Height of back grab bar behind toilet</li> </ul>
<b>Davis Hall</b>	West Entrance	<ul style="list-style-type: none"> <li>• Force to operate door opening mechanism</li> </ul>
<b>Davis Hall</b>	Second Floor Public Restrooms	<ul style="list-style-type: none"> <li>• Lack of clear floor space behind men's and women's restroom doors</li> <li>• Force to open doors to men's and women's restrooms</li> <li>• Height of men's restroom mirror</li> <li>• Location and height of soap dispensers in men's and women's restrooms</li> <li>• Height of paper towel dispensers in men's and women's restrooms</li> </ul>

## New Construction

<b>FACILITY</b>	<b>FEATURE</b>	<b>IDENTIFIED BARRIER</b>
<b>Mathews Hall</b>	Exterior Ramps	<ul style="list-style-type: none"> <li>• Lack of handrail extensions</li> <li>• Orientation of drainage grates</li> </ul>
<b>Campus Parking</b>	Northeast Lot	<ul style="list-style-type: none"> <li>• Inadequate number of accessible spaces</li> <li>• Location of accessible spaces</li> <li>• Lack of access aisles</li> <li>• Slope and stability of spaces and aisles</li> <li>• Transition of curb ramp</li> </ul>
<b>Campus Parking</b>	East Lot	<ul style="list-style-type: none"> <li>• Lack of van accessible space</li> <li>• Dimensions of spaces and aisles</li> <li>• Slope of spaces and aisles</li> <li>• Transition of curb ramp</li> <li>• Slope of curb ramp</li> <li>• Lack of signage</li> </ul>
<b>Campus Parking</b>	South Lot	<ul style="list-style-type: none"> <li>• Inadequate number of accessible spaces</li> <li>• Maintenance of signage</li> </ul>
<b>Campus Parking</b>	Student Union Building Lot	<ul style="list-style-type: none"> <li>• Lack of van accessible space</li> <li>• Lack of access aisle</li> <li>• Lack of signage</li> <li>• Lack of accessible route</li> </ul>
<b>Campus Parking</b>	West Lot	<ul style="list-style-type: none"> <li>• Inadequate number of accessible spaces</li> <li>• Lack of van accessible space</li> <li>• Lack of access aisles</li> </ul>
<b>Campus Parking</b>	North Lot	<ul style="list-style-type: none"> <li>• Width of access aisle</li> <li>• Lack of signage</li> </ul>
<b>Campus Parking</b>	Service Drive Spaces	<ul style="list-style-type: none"> <li>• Lack of access aisle</li> </ul>

## New Construction

FACILITY	FEATURE	IDENTIFIED BARRIER
<b>Vigilante Field</b>	Restrooms	<ul style="list-style-type: none"> <li>• Length of side grab bars over toilets in men’s and women’s restrooms</li> <li>• Height of mirrors in men’s and women’s restrooms</li> </ul>
<b>Vigilante Field</b>	Grandstand	<ul style="list-style-type: none"> <li>• Inadequate number of accessible seats</li> </ul>
<b>Birch Creek Retreat Center</b>	Parking Lot	<ul style="list-style-type: none"> <li>• Lack of designated accessible spaces</li> <li>• Inaccessible route from parking lot to entrance</li> </ul>
<b>Birch Creek Retreat Center</b>	Exterior Route from Front to Rear Entrance	<ul style="list-style-type: none"> <li>• Width of route</li> <li>• Changes in level and lack of continuous surface</li> </ul>
<b>Birch Creek Retreat Center</b>	Rear Entrance Ramp	<ul style="list-style-type: none"> <li>• Slope of ramp</li> <li>• Inadequate landing at bottom of ramp</li> <li>• Inadequate ramp surface</li> </ul>
<b>Birch Creek Retreat Center</b>	Public Restrooms	<ul style="list-style-type: none"> <li>• Width of men’s and women’s restroom stalls</li> <li>• Lack of men’s and women’s restroom stall handrails</li> <li>• Lack of sink pipe insulation in men’s and women’s restrooms</li> <li>• Height of men’s restroom urinal</li> <li>• Height of men’s restroom mirror and paper towel dispenser</li> </ul>