



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

July 31, 2014

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Dr. Michael Gottfredson
President
Office of the President
1226 University of Oregon
Eugene, Oregon 97403-1226

Re: University of Oregon
OCR Reference No. 10142119

Dear Dr. Gottfredson:

The U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaint against the University of Oregon. As explained below, prior to the completion of OCR's investigation, the university expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The complaint alleged that: (1) the university is treating students, faculty, and staff with mobility impairments differently from non-mobility-impaired students, faculty, and staff with respect to the university's parking policies, procedures, and practices; and (2) the university is not meeting accessibility standards for parking for students, faculty, and staff with mobility impairments.

OCR accepted this complaint for resolution under the authority of section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990. These statutes prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance from the U.S. Department of Education. The university is a recipient of federal financial assistance from this Department and is subject to these regulations.

The regulation implementing Section 504 at 34 CFR 104.4 requires that no qualified individual with a disability, on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of a recipient. Section 504 at 34 CFR 104.23(a) requires that each facility or part of a facility constructed by, or for the use of a recipient shall

be designed and constructed in such manner that the facility is readily accessible to and usable by disabled persons, if the construction was commenced after the effective date of the regulation. Section 504 at 34 CFR 104.23(b) requires that each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of the regulation in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by disabled persons. The applicable Title II regulatory provisions are set forth at 28 CFR 35.130 and 35.151 and are interpreted consistent with the provisions of Section 504 mentioned above.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the university requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the university resulted in the university signing the enclosed agreement.

The actions that the university will take under the agreement include: (1) a review of its policies, procedures and practices to ensure that it provides disabled students, faculty, and staff equivalent parking space choices as those provided to non-disabled students, faculty, and staff; (2) revise online and print communications to reflect any revisions to the policies, procedures, and practices; (3) provide signage at the parking areas designated for students, faculty, and staff and to notify them of the availability of disabled parking spaces for students, faculty, and staff in these areas; (4) provide training to employees on the revised policies, procedures and practices; (5) review all campus parking areas that serve its campus facilities to determine whether they comply with the applicable accessibility standards, including the number, location, signage, and dimension of spaces; and (6) develop and implement a plan to make the necessary modifications to ensure that each disabled parking space designated for students, faculty, or staff on the university campus complies with the applicable accessibility standards.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by August 30, 2014.

Please be advised that the district may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Jennifer Kuenzli, equal opportunity specialist, at (206) 607-1675, or by e-mail at jennifer.kuenzli@ed.gov.

Sincerely,

/ s /

Kelli Lydon Medak
Team Leader

Enclosure: Voluntary Resolution Agreement