



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

January 31, 2019

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David R. West
Garvey Schubert Barer, P.C.
1191 Second Avenue, 18th Floor
Seattle, Washington 98101

Re: University of Washington Bothell
OCR Reference No. 10182114

Dear Mr. West:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) is concluding its investigation of the above-referenced complaint against the University of Washington Bothell (university) as a result of the signed enclosed Voluntary Resolution Agreement (Agreement). The complaint alleged that the university discriminates against students with disabilities by failing to provide an accessible campus with respect to:

1. Exterior routes on campus;
2. The designated accessible door to enter Founders Hall/UW1;
3. Routes inside Founders Hall/UW1 and Commons/UW2/Discovery Hall; and
4. Doorways into classrooms in Founders Hall/UW1 and the Disability Resources for Students office.

As explained below, prior to completing OCR's investigation, the university requested to resolve the complaint and signed the enclosed Agreement to address all of the complaint allegations.

OCR initiated its investigation of the complaint under the authority of Section 504 of the Rehabilitation Act of 1974 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations. These federal civil rights laws prohibit discrimination on the basis of disability in programs and activities receiving federal financial assistance and public entities, respectively. The university is a recipient of federal financial assistance from this Department and a public entity, and is, therefore, required to comply with 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 at 34 C.F.R. §§ 104.22–104.23, facilities constructed on or before June 3, 1977 are existing facilities, while new

construction refers to facilities constructed after that date. Title II at 28 C.F.R. §§ 35.150–35.151 provides that existing facilities are those constructed on or before January 26, 1992, and facilities constructed after that date are considered new construction.

For new construction commencing after January 26, 1992, and before September 15, 2010, an institution must comply with either the Americans with Disabilities Act Accessibility Guidelines (1991 Standards) or the Uniform Federal Accessibility Standards (UFAS); an institution may choose between the 1991 Standards and UFAS for each facility, but must use the same standard for the entire facility. For construction on or after September 15, 2010, and before March 15, 2012, the institution may use either the 1991 Standards, UFAS, or 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards). For new construction commencing on or after March 15, 2012, an institution must use the 2010 Standards. New alterations to a facility are analyzed similarly to new construction.

Before the conclusion of OCR's investigation, the university expressed an interest in voluntarily resolving the complaint. OCR's investigation to date identified concerns regarding whether the university's facilities were accessible to individuals with disabilities with respect to: the location of exterior accessible routes on the main campus and notice to relevant parties of those accessible routes; the accessibility of the designated accessible entrance to Founders Hall/UW1 off Campus Way NE; location of interior accessible routes within Founders Hall/UW1, Commons/UW2, and Discovery Hall/UW3 and notice to relevant parties of those accessible routes; and the accessibility of classroom and office doorways in Founders Hall/UW1. In accordance with Section 302 of the OCR's *Case Processing Manual* (CPM), a complaint may be resolved at any time when, prior to the point OCR issues a final determination, a university expresses an interest in resolving the complaint allegations, and OCR determines that it is appropriate to resolve the complaint allegations with a voluntary resolution agreement. OCR determined that a voluntary resolution agreement was appropriate in this case. Subsequent discussions with the university resulted in the university signing the Agreement, which when fully implemented, will resolve the allegations in the complaint. OCR will monitor the implementation of the Agreement until the university fulfills the terms of the Agreement.

The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the university 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 occurs, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, OCR 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.

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Thank you for the cooperation that you extended to OCR in resolving this complaint. If you have any questions about this letter, you may contact Mark Farr, Senior Equal Opportunity Specialist, by telephone at (206) 607-1607, or by e-mail at mark.farr@ed.gov.

Sincerely,

Sukien Luu
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement