

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Hawai'i Community College (college) voluntarily enters into this agreement to resolve the allegation in a complaint (Reference No. 10192103) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title II of the Americans with Disabilities Act of 1990 (Title II) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

II. RESOLUTION PROVISIONS

A. Determination of Applicable Accessibility Standards

1. The college will (1) determine the accessibility standards applicable to each element located at the Palamanui campus identified below; (2) determine whether each element currently complies with the applicable accessibility standard with respect to the identified requirement of the element and (3) for each element that does not currently comply with the applicable accessibility standard, the college will determine what alterations are necessary to ensure compliance with the applicable accessibility standards.

Accessible stalls in the men's and women's restrooms in Buildings 500, 502, and 504	<ul style="list-style-type: none">• Stall size• Clear width of stall door
Interior library doors	<ul style="list-style-type: none">• Opening force• Closing speed
Exterior doors utilized by students to classrooms, bathrooms, and administrative offices, and the exterior doors to the library	<ul style="list-style-type: none">• Closing speed
Van accessible parking space under the awning in the student and guest parking area	<ul style="list-style-type: none">• Length and width• Vertical clearance
Accessible ramp to the bus station from the college campus	<ul style="list-style-type: none">• Handrails

2. Reporting Requirement: By November 30, 2019, the college will submit to OCR for review and approval its report regarding its determinations made pursuant to section II.A.1.

If OCR requires changes to the college's report, the college will re-submit the revised report to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the college's report.

B. Accessibility Plan

1. Based on its determination of what, if any, alterations are necessary, the college will develop a plan for addressing any element that does not currently comply with the applicable accessibility standard. The plan will include, but need not be limited to, a description and timeline of all planned structural modifications.
2. Reporting Requirement: Within 30 days of receiving OCR's approval of its report developed under section II.A.1, the college will submit to OCR for review and approval its plan made pursuant to section II.B.1 of this agreement. The report will include a description and timeline of all planned structural modifications as well as descriptions of methods to be utilized by the college to provide accessibility to college facilities pending completion of structural modifications under the accessibility plan. The report will also include, but is not limited to: proposed architectural and engineering plans, specifications, work orders, and checklists used to determine what modifications will be made to the elements with respect to the concerns identified in section II.A.1. of this agreement.

If OCR requires changes to the accessibility plan, the college will re-submit the revised accessibility plan to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the college's accessibility plan.

C. Implementation of Accessibility Plan

1. By August 1, 2020, the college will have completed all structural modifications determined to be necessary under section II.B.1. of this

agreement to ensure the identified components of the elements identified in section II.A.1. of this agreement comply with Title II and Section 504.

2. Reporting Requirement: Within 30 days of completing the structural modifications identified in the accessibility plan, the college will provide OCR with a report demonstrating it has completed implementation of the plan pursuant to section II.B.2 of this agreement. The report will include, but not be limited to: a description of the college's actions taken under the plan, measurements, work orders, architectural and engineering plans utilized in any structural modifications made pursuant to this agreement, and descriptions and documentation of methods utilized by the college to provide accessibility to college facilities pending completion of structural modifications required under the accessibility plan.

B. Notice

1. The college will post a notice at the student services office with the contact information for the individual whom individuals with disabilities may contact regarding accessibility concerns with college.
2. Reporting Requirement: Within 10 days of the date this agreement is signed, the college will submit its proposed notice to OCR. If OCR requires changes to the proposed notice, the college will re-submit the proposed notice to OCR for review and approval within 10 days of receiving notice of the revisions required by OCR. OCR and the college will follow the same process until OCR approves the college's proposed notice.
3. Reporting Requirement: Within 10 days of receiving OCR's approval of the proposed notice, the college will provide OCR with a report demonstrating the location and date of the posting of the notice.

III. GENERAL PROVISIONS

- A. The college understands by signing the agreement it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the college understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the

college, interview staff and students, and request such additional data and reports as are necessary for OCR to determine whether the college has fulfilled the terms and obligations of the agreement.

- B. Upon the college's satisfaction of the commitments made under the agreement, OCR will close the case.
- C. The college understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the college written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

_____/s/_____
Dr. Rachel Solemsaas
Chancellor
Hawai'i Community College

October 22, 2019
Date