



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
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March 9, 2020

Via E-mail Only to: [ascharosch@ewu.edu](mailto:ascharosch@ewu.edu)

Ms. Annika Scharosch  
Associate Vice President for Civil Rights,  
Compliance & Enterprise Risk Management  
Eastern Washington University  
211 Tawanka Hall  
Cheney, Washington 99004-2496

Re: Eastern Washington University  
OCR Reference No. 10192190

Dear Ms. Scharosch:

This is to inform you of the disposition of the referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR) against Eastern Washington University (EWU). In the complaint, it is alleged that:

1. EWU is discriminating against a football season ticket holder (Attendee) based on disability by failing to ensure that her designated wheelchair space and her companion seat at Roos Field are not blocked and/or used by others.
2. EWU is discriminating against individuals with disabilities, including the Attendee, based on disability by providing too few van accessible parking spaces during football games.
3. EWU is discriminating against individuals with disabilities, including the Attendee, based on disability by providing accessible parking spaces with gravel surfaces at the parking lot by Chissus Field.
4. EWU is discriminating against individuals with disabilities, including the Attendee, based on disability by failing to provide an accessible route between the accessible parking spaces at the parking lot by Chissus Field and

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the west entrance of Roos Field during football games. Specifically, portions of the route have gravel, a deteriorating surface, and snow berms during the fall and winter

OCR initiated an investigation of this complaint 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. Section 504 and Title II prohibit disability discrimination in programs and activities receiving federal financial assistance and by public entities, respectively. EWU receives federal financial assistance from this Department and is a public entity. Therefore, it is required to comply with these laws.

As explained below, prior to completing OCR's investigation of the complaint, EWU requested to voluntarily resolve the complaint and signed the enclosed Voluntary Resolution Agreement (Agreement).

Section 302 of OCR's *Case Processing Manual* states that a complaint may be resolved at any time when, before the conclusion of an investigation, 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. In this case, prior to the conclusion of OCR's investigation, EWU expressed interest in voluntarily resolving the complaint.

OCR's investigation to date included reviewing information regarding the facilities in question (e.g., photographs, videos, architectural drawings, maps, policies and procedures, notices, game day information published on EWU's website, e-mail communications between the parties, etc.), which were provided by the Complainant and EWU. Based on OCR's review of this information, OCR has concerns that the Attendee's wheelchair space and companion seat at Roos Field, and the accessible parking and accessible routes provided on football game days may not be readily accessible to or unusable by individuals with disabilities, including the Attendee. Accordingly, OCR has determined that it is appropriate to resolve the complaint allegations with a voluntary resolution agreement.

Subsequent discussions with EWU resulted in EWU signing the enclosed Agreement, which addresses all of the complaint allegations. OCR will monitor the implementation of the Agreement and will close the complaint when OCR determines that EWU has fulfilled 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 EWU 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 correspondence and 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.

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 Amy Kim, Attorney, by telephone at (206) 607-1621, or by e-mail at amy.kim@ed.gov.

Sincerely,

Barbara Wery  
Team Leader

Enclosure: Voluntary Resolution Agreement