

# VOLUNTARY RESOLUTION AGREEMENT

## I. INTRODUCTION

Eastern Washington University (EWU) enters into this Voluntary Resolution Agreement (Agreement) to resolve the allegations in a complaint (Reference No. 10192190) filed with the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

All modifications necessary to provide access under this Agreement will be made consistent with the applicable accessibility standards in the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards).

## II. RESOLUTION PROVISIONS

### A. Accessible Parking at Chissus Challenge Course

#### 1. Action Step

EWU will modify and maintain the accessible parking spaces located at Chissus Challenge Course to ensure that they have accessible surfaces that are stable, firm, and slip resistant, and are free of loose gravel.

#### 2. Reporting Step

By September 1, 2020, EWU will submit a report demonstrating that it has completed its modifications to the accessible parking spaces at Chissus Challenge Course and that they are free of loose gravel. The report will include descriptions, work orders, plans, measurements, and photographs of the completed work.

### B. Van Accessible Parking and Accessible Route

#### 1. Action Steps

(a) In consultation with OCR, EWU will conduct a self-evaluation to determine whether the following identified facilities and elements comply with the applicable accessibility requirements and standards of Section 504 and Title II, and EWU will develop and implement an accessibility plan to address any accessibility concerns identified by its self-evaluation: the number of van

accessible parking spaces provided in parking lots that serve Roos Field during football games, including overflow parking lots.

- (b) If EWU decides to provide accessible parking spaces during football games at Chissus Challenge Course, then in consultation with OCR, EWU will conduct a self-evaluation to determine: (i) whether under the applicable accessibility requirements and standards of Section 504 and Title II, an exterior accessible route is needed between the accessible parking spaces located at Chissus Challenge Course and the west accessible entrance of Roos Field; and (ii) if such an exterior accessible route is required, EWU will develop and implement an accessibility plan to ensure that there is an exterior accessible route between the accessible parking spaces located at Chissus Challenge Course and the west entrance of Roos Field, which is maintained in operable working condition, including during inclement weather.

## **2. Reporting Steps**

- (a) By April 1, 2020, EWU will notify OCR in writing of its decision as to whether it will provide accessible parking spaces during football games at Chissus Challenge Course.
- (b) By May 1, 2020, EWU will submit to OCR for its review and approval a copy of its self-evaluation(s) and accessibility plan(s), if any. The self-evaluation(s) and accessibility plan(s) will include sufficient information for OCR to identify what accessibility requirements and standards were applied; what information and records were collected and analyzed; how EWU reached its conclusion as to whether the facilities or elements complied with the applicable accessibility requirements or standards; and how the proposed modifications detailed in its accessibility plan(s) will resolve the identified accessibility concerns and will ensure that any accessible exterior route is maintained in operable working condition. If OCR requires any changes to the self-evaluation(s) and/or accessibility plan(s), EWU will re-submit it within 21 days of receiving notice of the required changes. OCR and EWU will continue with this process until OCR approves the self-evaluation(s) and accessibility plan(s).

- (c) Within 30 days of receiving OCR’s approval of the self-evaluation(s) and the accessibility plan(s), and every 60 days thereafter until completion, EWU will provide OCR with a report showing its progress to date towards implementing the accessibility plan(s). Each report will provide sufficient information and detail for OCR to determine whether EWU is adhering to the accessibility plan(s), and that EWU’s actions fully comply with the Section 504 and Title II accessibility requirements and standards.

## **C. Accessibility Information**

### **1. Action Steps**

#### **(a) Availability of Football-Related Accessibility Information**

EWU will develop and adopt a procedure that ensures that prospective and current football ticketholders, and attendees at football home games, EWU staff, and other interested individuals can obtain current information about the existence and location of football-related accessible activities and facilities. This will include but is not limited to: (i) designating employees in the Athletic Department, the football program, game day operations, and ticketing services who will be responsible for addressing requests for and questions about football-related accessible activities and facilities, and/or will coordinate with the ADA Coordinator to address these requests and questions; (ii) adding a notice on EWU’s webpages and brochures related to football games and ticketing about the availability of football-related accessible activities and facilities (e.g., availability of accessible parking, disability shuttle services, wheelchair seating, etc.), the availability of reasonable accommodations and removal of architectural barriers, and the name, position title, and contact information for the ADA Coordinator; (iii) reviewing and revising, as necessary, the football game day parking information that is published on its website to ensure that it accurately reflects current information about the availability of accessible parking, disability shuttle services, and other football-related accessible services and facilities; and (iv) as needed, adding wayfinding and/or directional signage, at Roos Field and surrounding parking lots and athletic facilities indicating the availability and location of accessible parking and routes, and disability shuttle services during football games, including at Chissus Challenge Course.

**(b) Campus and Parking Maps**

EWU will ensure that the maps published on EWU’s website accurately reflect the existence and location of accessible parking, disability shuttle services, and drop-off and pick-up areas.

**2. Reporting Steps**

- (a) By May 1, 2020, EWU will submit to OCR for its review and approval a copy of its proposed procedure and updated maps. If OCR requires any changes to the proposed procedure or the updated maps, EWU will re-submit the proposed procedure or updated maps within 30 days of receiving notice of the required changes. OCR and EWU will continue with this process until OCR approves the proposed procedure and updated maps.
- (b) Within 30 days of OCR’s approval, EWU will submit a report showing that it has adopted the procedure and published the updated maps on EWU’s website. The report will include links to updated webpages and documentation of the designated employees.

**D. Access to Wheelchair Spaces and Companion Seats at Roos Field**

**1. Action Step**

EWU will develop and implement a plan to ensure that the Complainant and the Attendee have continuous access to their wheelchair space and companion seat from the beginning to the end of the game at any future football home games.

**2. Reporting Steps**

- (a) By May 1, 2020, EWU will submit to OCR for its review and approval a copy of its proposed plan. If OCR requires any changes to the proposed plan, EWU will re-submit it within 30 days of receiving notice of the required changes. OCR and EWU will continue with this process until OCR approves the proposed plan.
- (b) 10 days after each home game that the Complainant and the Attendee attend during the 2020 season, EWU will submit a

report demonstrating that EWU implemented its plan to provide the Complainant and Attendee continuous access to their wheelchair space and companion seat during the home game.

## **E. Individual Remedy**

### **1. Action Step**

EWU will send the Complainant a letter which will include the following information:

- (a) EWU is committed to ensuring that it conducts its football game program and activities so that they are readily accessible to and usable by individuals with disabilities. Additionally, EWU is committed to ensuring that it does not discriminate against individuals with disabilities because its facilities are inaccessible or unusable.
- (b) EWU is committed to providing the Complainant and the Attendee with reasonable accommodations and disability assistance, and information about EWU's accessible programs, activities, and facilities consistent with Section 504 and Title II, and the names, position titles, and contact information of the employees (one primary contact and a secondary contact that will be available if the primary contact is absent) who will be responsible for responding to any questions or concerns from the Complainant, including when the Complainant attends football home games, through the 2020 football season.
- (c) A description of EWU's plan to ensure that the Complainant and the Attendee have continuous access to their wheelchair space and companion seat from the beginning to the end of any football home games, during the 2020 football season.
- (d) A description of the existence and location of van accessible parking on football game days, and instructions on requesting and using EWU's disability shuttle services on game days, if needed.
- (e) EWU will offer the Complainant the opportunity to meet or speak with EWU's ADA Coordinator to request accommodations, modifications, and/or other steps that the Complainant believes are needed to address the accessibility barriers that the Complainant and Attendee experienced during

the 2019 football season, such as an individual-based drop-off and pick-up procedure, designated parking at P-12 South, and discounted tickets for future football games.

- (f) EWU will explain that the Complainant has 90 days from the date of the letter to request to meet or speak with the ADA Coordinator. EWU will explain that if the Complainant does not request to meet or speak with the ADA coordinator within the timeframe, then EWU is not required to take further action with respect to § II.E.1(e) of the Agreement.

## **2. Reporting Steps**

- (a) By April 1, 2020, EWU will submit to OCR for its review and approval a copy of its proposed letter to the Complainant. If OCR requires any changes to the proposed letter, EWU will re-submit them within 30 days of receiving notice of the required changes. OCR and EWU will continue this process until OCR approves the proposed letter. EWU will carbon copy OCR on the letter.
- (b) Within 120 days of receiving OCR's approval of EWU's letter, EWU will submit to OCR a report showing whether the ADA Coordinator met or spoke with the Complainant, and a description of what was discussed, requested, and approved. The report will include copies of any notes and written communications with the Complainant.

## **III. GENERAL PROVISIONS**

- A. EWU understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, EWU understands that during the monitoring of the Agreement, if necessary, OCR may visit EWU, interview staff and students, and other relevant individuals, and request such additional reports or data as are necessary for OCR to determine whether EWU has fulfilled the terms and obligations of the Agreement. Upon EWU's satisfaction of the commitments made under the Agreement, OCR will close the case.
- B. EWU 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 proceedings, OCR will

