

# VOLUNTARY RESOLUTION AGREEMENT

## I. INTRODUCTION

Carroll College (College) enters into this Voluntary Resolution Agreement (Agreement) to resolve the allegations in OCR Complaint Reference No. 10202256 filed with the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 (Section 504). The College enters into this Agreement prior to OCR issuing a draft letter of findings under Section 303(b) of the OCR *Case Processing Manual*. This Agreement does not constitute an admission that the College has violated Section 504, or any of the implementing regulations.

## II. ACCESSIBILITY STANDARDS

Existing construction is any construction prior to June 3, 1977. Existing construction must comply with program accessibility standard. New construction is any construction on or after June 3, 1977. Elements that are new or altered construction which commenced:

- After June 3, 1977, through January 19, 1991, must comply with the American National Standards Institute standards (ANSI), ANSI A117.1-1961 (R1971).
- After January 19, 1991, through January 26, 1992, must comply with the Uniform Federal Accessibility Standards (UFAS).
- After January 26, 1992, and before September 15, 2010, must comply with the 1991 Americans with Disabilities Act Accessibility Guidelines (1991 Standards).
- After September 15, 2010, and before March 15, 2012, must comply with the 1991 Standards, UFAS, or the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards) to the maximum extent feasible.
- After March 15, 2012, must comply with the 2010 Standards to the maximum extent feasible.
- Any new construction or alterations that the College commences under the provisions of this agreement must comply with the 2010 Standards to the maximum extent feasible.

## III. RESOLUTION PROVISIONS

- A. New Construction (as defined in Section II above) - Accessibility Assessment and Plan

1. Assessment - By December 31, 2021, the College will, in consultation with OCR, assess each campus feature below to ensure compliance with the appropriate accessibility standard:
  - Designated accessible parking spaces at O'Connell Hall (slope and cross-slope).
  - Designated accessible parking spaces across campus (signage and markings).
  - Designated accessible restrooms at Nelson Stadium, Physical Education Building, and Corette Library (accessible stalls, sinks, and accessories).
  - Designated accessible routes between designated accessible parking spaces and designated accessible entrances of nearby campus buildings (slope and cross-slope).
  - Designated accessible entrance to, and accessible routes within, All Saints Chapel (signage and automatic elevator operation).
  - Designated accessible routes between campus buildings and across campus (slope, cross-slope).
2. Accessibility Plan - For all features identified in the assessment in Section III.A.1 above which do not comply with the applicable accessibility standard, the College will develop a plan to determine what alterations are necessary to ensure compliance with the 2010 Standards.
3. Reporting - July 31, 2022, the College will submit to OCR for review and approval a copy of the assessment and a copy of the plan developed to address the accessibility of the facilities specified in Section III.A.1-2 above and elements that do not comply with the applicable accessibility standard. The assessment and plan will include sufficient information for OCR to identify what information and records were collected and analyzed and how the proposed modifications detailed in its plan will resolve the identified accessibility concern. If OCR requires any changes to the assessment and/or accessibility plan, OCR will provide such feedback to the College and the College will submit a revised assessment and/or plan to OCR within 30 days of receiving OCR's feedback. The College and OCR will continue this process until OCR approves the College's assessment and accessibility plan.
4. Implementation of Accessibility Plan - Within 30 days of receiving OCR's written approval of its assessment and accessibility plan, the College will begin implementation of the accessibility plan.
5. Reporting - Within 30 days of completing all actions under the approved accessibility plan, the College will submit to OCR a report confirming that all

actions have been completed. The report should include, but need not be limited to, work orders, photographs, and diagrams documenting the modifications.

**B. Existing Facilities (as defined in Section II above) – Process Assessment and Revision**

1. Assessment - By December 31 2021, the College will, in consultation with OCR, assess whether its applicable processes comply with Section 504 at 34 C.F.R. § 104.22 with respect to providing individuals with disabilities access to its programs and activities that are located in existing facilities that are currently inaccessible.
2. Process Revision - For all processes identified in the assessment as being deficient in Section III.B.1 above, the College will revise the process to ensure that its programs are accessible.
3. Reporting - By July 1, 2022, the College will submit to OCR for review and approval a copy of its assessment, including the identification of any processes that were determined to be deficient and copies of the original and proposed revisions to the processes as specified in Section III.B.1-2. If OCR requires any changes to the processes, OCR will provide such feedback to the College and the College will submit revised processes to OCR within 30 days of receiving OCR's feedback. The College and OCR will continue this process until OCR approves the College's processes.
4. Notice to Employees - Within 30 days of receiving OCR's written approval of the revised processes, the College will provide notice to all relevant College employees regarding their obligations to implement the revised processes. The College will provide OCR with information about how the relevant College employees were notified of their obligations.
5. Reporting - Within 120 days of OCR's approval of the revised processes, the College will provide documentation to OCR demonstrating that it is implementing the approved processes.

**C. Notice to Interested Individuals - Assessment and Plan**

1. Assessment - By July 1, 2021, the College will, in consultation with OCR, assess its processes for notifying interested individuals, including students, employees, and visitors, of its program accessibility processes and accessible elements to determine whether additional actions need be taken to ensure that interested individuals with disabilities can obtain current and accurate information about the College's program accessibility processes, how to notify the College of existing barriers, and the existence and location of accessible parking, exterior routes, building entrances, and accessible routes, including but not limited to the

publishing of maps or other notices in the College's documents or on the College's publicly available website, or the installation of signage.

2. Notice Plan - For any deficiencies identified by the assessment in Section III.C.1 above, the College will develop a plan to ensure that appropriate notice is provided to interested individuals.
3. Reporting - By August 15 2021, the College will submit to OCR for review and approval a copy of the assessment of its process for notifying interested individuals and a copy of the plan developed to address the deficiencies identified as specified in Section III.C.1-2 above. If OCR requires any changes to the plan, OCR will provide such feedback to the College and the College will submit revised plan to OCR within 30 days of receiving OCR's feedback. The College and OCR will continue this process until OCR approves the College's plan.
4. Notice to Interested Parties - Within 120 days of OCR written approval of the College's plan for providing appropriate notice to interested individuals of its program accessibility processes,
5. Reporting - Within 30 days of completion of all actions under the approved plan to notify interested individuals, the College will submit to OCR a report confirming that all actions have been completed. The report should include, but need not be limited to, copies of notices (such as handbooks, written notices, webpages), signs and diagrams.

#### **IV. GENERAL PROVISIONS**

The College understands that by signing this Agreement, it agrees to provide to OCR 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 this Agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement. Upon the College's satisfaction of the commitments made under this Agreement, OCR will close this case.

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and the applicable statute and regulations. Before initiating such proceedings, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

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Dr. John Cech

April 9, 2021

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Date

President  
Carroll College