

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The University of Washington, Seattle (UW) enters into this Voluntary Resolution Agreement (Agreement) to resolve OCR Reference No. 10222022, which is a complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and their implementing regulations. The UW's decision to enter into this Agreement does not constitute an admission by the UW that it has violated Section 504, Title II, or any other law that OCR enforces.

II. RESOLUTION PROVISIONS

A. Husky Stadium Post-Football Game Paratransit Approach

1. Action Step

In consultation with OCR, the UW will develop and adopt a practice for ensuring that the UW, whether directly or through contractual arrangements, treats individuals with disabilities who ride paratransit provided by King County Metro Access (hereinafter, "Paratransit") from Husky Stadium in a similar manner as the UW treats individuals without disabilities who ride transit from Husky Stadium after football games, including with respect to where they will be permitted to be picked up at Husky Stadium after games and how quickly their drivers will be permitted to reach them at Husky Stadium after games. The practice will be memorialized in a guidance memorandum. At a minimum, the guidance memorandum will address:

- (a) Where Paratransit will be permitted to pick up individuals riding Paratransit after Husky football games when the regular Paratransit stop located at Husky Stadium is closed temporarily on Husky football game days. The UW will provide a location where Paratransit will pick up individuals riding Paratransit that is comparable to where transit will pick up individuals without disabilities after games. The UW will ensure that the Paratransit pick-up location will: be on an accessible route from the west entrance of Husky Stadium (this is the entrance of Husky Stadium facing Montlake Blvd NE); be in a safe and well-lit location including after dark; provide sufficient space for Paratransit vans to enter, leave, and deploy wheelchair lifts; provide sufficient clearance for Paratransit riders, including wheelchair users,

and drivers to safely board and exit the Paratransit vans; and to the extent it is feasible, be located where other transit riders are picked up and offer shelter from inclement weather similar to regular transit shelters.

If the UW determines that the location where Paratransit will pick up individuals riding Paratransit, as set forth in its guidance memorandum pursuant to Section II.A.1 of this Agreement, must be changed because that location imposes a fundamental alteration, under Section 504 or Title II, of the UW's athletic program or activity, the UW may change the location where Paratransit will pick up individuals riding Paratransit from Husky Stadium after football games, provided that the new Paratransit pick-up location is comparable to where transit will pick up individuals without disabilities after games.

- (b) How the UW will notify individuals with disabilities who attend football games, Paratransit, and the UW's game day partners (to include police who conduct traffic and crowd control at Husky Stadium, and transit service providers who assist with fans boarding transit) of the regular Paratransit's stop closure, the duration of the closure, and where Paratransit will pick up individuals riding Paratransit after games. This will include providing signage that effectively communicates where Paratransit will pick up individuals who ride Paratransit after games. Specifically, at the regular Paratransit stop, the signage will communicate that the stop is closed and provide directions as to where Paratransit will pick up Paratransit riders for the duration of the closure. At the location where Paratransit will pick up Paratransit riders for the duration of the closure, the signage will identify the area that is designated as the Paratransit pick up zone to Paratransit riders and drivers.
- (c) How the UW will make reasonable modifications to its post-game traffic control measures to strive to ensure that, once Paratransit has reached Husky Stadium, individuals with disabilities riding Paratransit can reach their Paratransit within a window of time similar to when individuals without disabilities can reach their transit.
- (d) How the UW will make reasonable modifications to its post-game traffic control measures to strive to ensure that, once individuals with disabilities have boarded their Paratransit, Paratransit departs within a window of time similar to when other transit depart.
- (e) Who at the UW will be responsible for the guidance memorandum, including coordinating its requirements with the UW's game day

partners (to include UW departments, transit, Paratransit, police, and other traffic control personnel); and receiving and responding to questions or concerns about how and where individuals with disabilities connect with Paratransit at Husky Stadium on game days.

- (f) How the UW will provide notice of the guidance memorandum and effectively communicate the relevant information from the guidance memorandum to the UW community, including UW Athletics, UW Police Department, UW Transportation Services, the UW's game day partners (to include transit, Paratransit, police, and other traffic control personnel), and current and prospective football fans with and without disabilities. This includes but is not limited to updating the Husky Stadium annual operations plan, UW Football's website and its transportation-related webpages, and football transportation-related brochures, written materials, and maps.
- (g) How the UW will communicate to its game day partners (to include transit, Paratransit, police, and other traffic control personnel) the UW's expectations that the UW's game day partners honor their joint commitment to treat individuals with disabilities, including individuals with disabilities who ride Paratransit, in a nondiscriminatory manner.
- (h) What steps the UW will take to ensure the guidance memorandum will be updated as needed and continue to be implemented in the future, including when changes are made to where Paratransit will pick up individuals riding Paratransit at Husky Stadium after games, and when changes are made to traffic control measures that impact Paratransit riders and Paratransit vans on Husky game days.

2. Reporting Steps

- (a) By the effective date of this Agreement, the UW will submit to OCR for its review and approval a copy of its proposed guidance memorandum. If OCR requires any changes to the proposed guidance memorandum, the UW will resubmit the guidance memorandum with the required changes within seven days of receiving OCR's notice of the required changes. OCR and the UW will continue this process until OCR approves the guidance memorandum.
- (b) Within 15 days of OCR's approval of the guidance memorandum, the UW will submit a report showing it has: (i) adopted and issued the guidance memorandum and communicated the relevant information in the memorandum to the UW community, including where and how

Paratransit will pick up individuals with disabilities after games and the UW's expectations that its game day partners honor their joint commitment to treat individuals with disabilities in a nondiscriminatory manner; (ii) implemented the memorandum for the 2022 football season; and (iii) updated the UW Husky Stadium annual operations plan, and UW Football's website, written materials, and maps.

- (c) For the 2022 and 2023 football seasons, every 45 days after the start of the season, the UW will submit to OCR a report summarizing whether the UW arranged to allow Paratransit to load and depart from the Paratransit pick-up location and if not, the reason(s) why; and whether the UW is aware of any reports or complaints that the pick-up and departure of Paratransit deviated from the UW's guidance memorandum, and if it did, how the UW addressed, or plans to address, the deviation(s).

B. Notice and Training

1. Action Step

Taking appropriate roles into account, the UW will provide notice or training regarding the UW's implementation of its guidance memorandum to all UW employees, UW contractors, and UW game day partners who are responsible for implementing the guidance memorandum, including those engaged in traffic control after games, the provision of post-game supplemental transit services, and the provision of post-game Paratransit services.

2. Reporting Steps

- (a) By August 26, 2022, the UW will submit to OCR for its review and approval its proposed plan as to which individuals will receive notice. If OCR requires any changes to the plan, the UW will re-submit the plan within seven days of receiving notice of the required changes. OCR and the UW will continue this process until OCR approves the plan.
- (b) Within 15 days of OCR's approval of the plan as to which individuals will receive the notice, the UW will submit a report demonstrating that the UW has disseminated the notice to all required individuals, including a copy of the notice and documentation that the notice was distributed.

- (c) By September 30, 2022, the UW will submit to OCR for its review and approval its proposed plan as to which individuals will receive training. If OCR requires any changes to the plan, the UW will re-submit the plan within seven days of receiving notice of the required changes. OCR and the UW will continue this process until OCR approves the plan.
- (d) Within 90 days of OCR’s approval of the plan as to which individuals will receive the training(s), the UW will provide a report to OCR demonstrating that it has completed its training activities. The report will include a copy of the training materials, and documentation of the dates and locations of the training sessions, and the individuals who attended the training sessions with their names and position titles.

III. INDIVIDUAL REMEDY

1. Action Step

The UW will send the Complainant a letter which will include the following information:

- (a) The UW is committed to ensuring that it conducts its Husky football post-game activities in a manner that does not discriminate against individuals with disabilities, including football fans who ride Paratransit after games. Additionally, the UW is committed to ensuring that it does not discriminate against individuals with disabilities because its facilities, such as the Husky Stadium Paratransit stop, are unusable on game days.
- (b) The names, position titles, and telephone numbers 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 questions or concerns from the Complainant regarding Paratransit on Husky game days, including any Paratransit issues that arise on the day of games.
- (c) For the 2022 football season, a description of where the Paratransit van will pick up the Complainant after games and how the UW will facilitate the Paratransit van’s egress from Husky Stadium, a map identifying where the Paratransit van will pick up the Complainant after games, and the UW website where the Complainant can find the UW’s most recent information about UW Football transportation.

2. Reporting Steps

- (a) By August 26, 2022, the UW 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, the UW will re-submit them within seven days of receiving notice of the required changes. OCR and the UW will continue this process until OCR approves the proposed letter.
- (b) By August 31, 2022, the UW will courtesy copy OCR on the letter to the Complainant.

IV. GENERAL PROVISIONS

- A. The UW 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, the UW understands that during the monitoring of the Agreement, OCR may visit the UW; interview employees, the UW's game day partners, and football fans who ride Paratransit; and request such additional reports or data as are necessary for OCR to determine whether the UW has fulfilled the terms of this Agreement. The UW understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the UW has demonstrated compliance with the terms of this Agreement and is in compliance with Section 504 and Title II, and their implement regulations, which were at issue in this complaint.
- B. The UW understands that OCR may initiate administrative enforcement proceedings or refer the complaint to the U.S. Department of Justice for judicial proceedings in the event of a breach of this Agreement. Before initiating such proceedings, OCR will give the UW written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/

August 26, 2022

Jill Lee
Executive Director, Compliance Services
University of Washington

Date