

Voluntary Resolution Agreement
Johnson & Wales University
OCR Case No. 11-13-2238

Johnson & Wales University (the University) agrees to fully implement this Resolution Agreement (Agreement) to voluntarily resolve Office for Civil Rights (OCR) Complaint No. 11-13-2238. This Agreement recognizes the University's commitment to accessibility and does not constitute an admission by the University of any violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or any other law enforced by OCR and is entered into without the OCR having made an adverse finding against the University with respect to the Complaint. Full implementation of this Agreement by the University resolves the allegations in OCR Case No. 11-13-2238.

1. By December 15, 2013, the University shall confirm that a pair of door power operators has been installed at the entrance to the Admissions Office at the Charlotte Campus and that the installation and operation of the door power operators are consistent with provision 4.13 of the Uniform Federal Accessibility Standards (UFAS), including provision 4.13.12 pertaining to automatic doors and power-assisted doors, or a substantially equivalent or greater standard utilized by the University.¹

Reporting Requirement

By December 15, 2013, the University will submit to OCR photographs, measurements, and any other relevant documentation verifying that the operation of the entrance doors to the Admissions Office complies with Section 4.13 of UFAS.

2. By December 15, 2013, the University shall determine whether the opening force of the computer lab door in the library is consistent with the maximum door opening force requirements of UFAS 4.13.11. To the extent that the door opening force is not consistent with the UFAS 4.13.11, the University will adjust the operating mechanism to ensure compliance with regard to the door opening force.

Reporting Requirement

By December 15, 2013, the University will take and submit to OCR door pressure measurements of the computer lab door (both entering and exiting) and document any adjustments made to ensure that the door operating mechanism meets the opening force requirement.

3. By December 15, 2013, the University will develop and implement a policy and procedures to monitor the force required to open all non-automatic, power-operated or power-assisted doors that are located in the Dining Center, the Academic Center, Admissions Office and Library that are not specified for staff or faculty use and have door closure mechanisms to ensure compliance with UFAS 4.13 and will designate an individual(s) responsible for implementation of the procedures. The procedures will include a method for documenting both the monitoring and any resulting adjustments or corrections.

¹ Hereinafter references to compliance with UFAS will be understood to include any substantially equivalent or greater standard utilized by the University.

Reporting Requirement

By December 15, 2013, the University will provide for OCR's review a copy of its policy and procedures referenced in item 3 above.

4. By December 15, 2013, the University will establish a schedule by which the operability of automatic, power-operated, and power-assisted doors will be checked, and adjustments made if necessary, by designated University personnel or a third party.

Reporting Requirement

By December 15, 2013, the University will provide OCR with a copy of its proposed schedule referenced in item 4 above, identify the individual or entity responsible for implementation of the schedule, and provide documentation of any adjustments made.

5. By December 15, 2013, the University will ensure that the toilet rooms in the library, near the computer lab, and near the snack bar provide accessible doors and doorways for entry and egress, clear floor space, and an unobstructed turning space consistent with the requirements of UFAS 4.22.2 and 4.22.3.

Reporting Requirement

By December 15, 2013, the University will submit to OCR photographs, measurements, and any other relevant documentation verifying that the toilet rooms identified in item 5 above comply with the requirements of UFAS 4.22.2 and 4.22.3 as specified above.

6. By December 15, 2013, the University will submit additional information to demonstrate whether the ramp in the library complies with the requirements of UFAS 4.8. If the ramp is not currently in compliance with UFAS 4.8, the University will take immediate additional steps to ensure its compliance.

Reporting Requirement

By December 15, 2013, the University will submit to OCR photographs, measurements and any other relevant documentation verifying that ramp in the library complies with UFAS 4.8.

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, which were at issue in this case. Provided the University timely meets the above Reporting Requirements, OCR agrees to provide the University with written notice specifying matters that are deemed not to be in compliance by January 15, 2014 if it determines that the University has not fully complied with the terms of this Agreement and agrees that, in the absence of such notice of non-compliance, monitoring of this Agreement will close on or before January 31, 2014.

The University 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 this agreement. Further, the University understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of

this agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. Part 104, which was at issue in this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement at any time before monitoring of this Agreement closes. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: /s _____
President or designee

Date: November 20, 2013