

**RESOLUTION AGREEMENT**  
**Fayetteville State University**  
**OCR Complaint No. 11-18-2169**

Fayetteville State University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-2169. This Agreement does not constitute an admission by the University of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

**Action Item A: Policies and Training**

1. By November 1, 2018, the University will review and revise, as necessary, the University's policies and any corresponding procedures regarding accessible parking, including the *Ordinance Regulating Traffic and Parking on Campus of Fayetteville State University* and the *Regulations Governing Motor Vehicle Parking*, to reflect that individuals with disabilities with accessible parking placards issued by the University are allowed to park in any accessible parking space on campus, regardless of whether the specific lot is designated for Commuting Students, Resident Students, Faculty/Staff, or any other designation. The University will also clarify the issue of access to "gated" parking lots.

**Reporting Requirement:**

By November 15, 2018, the University will provide copies of the revised policies and any corresponding procedures to OCR for review and approval. If OCR requires any revisions to the policies/procedures, OCR will notify the University of the revisions and the University will submit revised policies/procedures within 14 calendar days of receiving OCR's notification. Within 30 calendar days of receiving final approval, the University will provide OCR with copies of the final policies/procedures and provide OCR with information indicating where such policies/procedures have been published.

2. Within 30 calendar days of final approval of the policies and procedures described in Action Item A(1), the University will provide training to appropriate University parking enforcement staff regarding the changes being made to the University's policies/procedures regarding accessible parking. Specifically, the University will train parking enforcement staff that individuals with accessible parking placards are allowed to park in any accessible parking space regardless of whether the specific lot is designated for Commuting Students, Resident Students, Faculty/Staff, or any other designation, and that tickets should no longer be issued when an individual with an accessible parking placard issued by the University parks in an accessible parking space.

**Reporting Requirements:**

- a. Fifteen calendar days prior to the scheduled training, the University will submit for OCR's review and approval the proposed training materials as described in

Action Item A(2) above. The University will also identify the individual(s) who will conduct the training.

- b. Within 10 calendar days of conducting the training, the University will provide written documentation to OCR demonstrating that the training was provided consistent with Action Item A(2) above, including the name(s) of the individual(s) who conducted the training; a list of the individuals who attended the training and their positions; the date(s) the training was conducted; and, copies of any training materials disseminated.

### **Action Item B: Audit and Plan**

By December 1, 2018, the University will conduct an audit (the Audit) of the Commuting Students and Resident Students parking lots campus-wide to determine whether each lot provides a sufficient number of accessible parking spaces in accordance with the 2010 Americans with Disabilities Act Standards for Accessible Design requirements (the 2010 Standards). The University will subsequently develop a plan (the Plan) which shall detail actions the University will undertake to increase the number of accessible parking spaces in parking lots that are found to be inconsistent with the 2010 Standards. The Plan will include a schedule for the proposed actions, with a deadline of completion of no later than July 1, 2019.

### **Reporting Requirements:**

- a. By December 15, 2018, the University will provide a copy of the Audit and Plan, for OCR's review and approval, and to ensure consistency with the 2010 Standards. The University will provide photographs of the parking lots, including of the accessible parking spaces, and any other plans or documentation used to conduct the Audit and/or create the Plan. If OCR requires any revisions to the Audit and/or Plan, OCR will notify the University of the revisions and the University will submit a revised Audit and Plan within 14 calendar days of receiving OCR's notification. OCR and the University will repeat this procedure until OCR approves the Audit and Plan. OCR may conduct an on-site visit to review the current status of the University's parking lots.
- b. By July 15, 2019, the University will provide OCR with documentation of any changes made to the parking lots as a result of the Audit and implementation of the Plan, including but not limited to, pictures of parking spaces, measurements, and/or plans. OCR may conduct an on-site visit to confirm that any changes were completed consistent with the Standards.

### **Action Item C: Individual Remedy**

By November 1, 2018, the University will review any parking tickets the Complainant received from the beginning of the 2017-2018 academic year until the date the review is conducted to determine whether the University should take any action as a result of the Complainant having received parking tickets for parking in accessible parking spaces in non-Commuting Students

parking lots. The University will consider the following as possible actions: reversal of any of the Complainant's parking tickets; issue refunds for paid parking tickets; make adjustments to the Complainant's parking account/file for any parking tickets that were incorrectly given; and, any other actions the University deems appropriate. If the University takes any action, it will notify the Complainant of the action taken, in writing, by November 1, 2018.

**Reporting Requirement:**

By November 15, 2018, the University will provide OCR documentation of the review and resulting actions the University undertook, including copies of any correspondence with the Complainant regarding any actions the University undertook as a result of the review.

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 the 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. Upon the University's satisfaction of the commitments made under this Agreement, OCR will close 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. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_ Date: 9-10-2018

Dr. James A. Anderson  
Chancellor (or Designee)  
Fayetteville State University