

RESOLUTION AGREEMENT
Lake Superior State University
OCR Docket # 15-11-2018

Lake Superior State University (the University) voluntarily submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the University's compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, as well as with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The University agrees to take the actions listed below in order to provide individuals with disabilities, in particular those with mobility impairments, access to the University's facilities and programs. Modifications made pursuant to this agreement will be done in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

Action Steps

I. Facility Modifications

By December 15, 2014, the University will modify the facility elements set forth in the attached Appendix to ensure accessibility in compliance with the 2010 ADA Standards.

REPORTING REQUIREMENTS: By ~~December 15, 2013~~, June 15, 2014, and December 15, 2014, the University will submit documentation to OCR verifying its progress on the implementation of the actions set forth in the Appendix. Documentation may include photographs, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit of the University's campus to confirm full implementation of these items in accordance with the 2010 ADA Standards.

II. On-Campus Housing

- A. **By August 1, 2014, the University will convert one apartment unit in Moloney Hall to meet the 2010 ADA Standards. The apartment will have its own kitchen, bathroom and laundry area that comply with the 2010 ADA Standards. The University will also ensure that the parking lot directly in front of Moloney Hall includes the number of accessible parking spaces, including van accessible space(s), required by the 2010 ADA Standards.**
- B. **By August 1, 2014, the University will develop and submit to OCR for review a detailed plan that describes how it is going to offer comparable, convenient, and accessible housing that is of sufficient quantity and variety so that the scope of living accommodations available to individuals with mobility impairments is, as a whole, comparable to that offered to non-disabled students. At a minimum, the plan will address the following issues:**

1. Whether the University plans to comply with this requirement through such means as the alteration of existing facilities and/or construction of new facilities. Alterations will meet the requirements of the 2010 ADA Standards to the maximum extent feasible.
 2. A list of the subject housing identified as dwelling units covered by the plan, specifying for each:
 - a. the location of the unit;
 - b. a description of the housing(e.g., single-sex freshman dormitory room, coed 4-person dormitory suite, coed single apartment, three-bedroom apartment, townhouse, row house, etc.) and the persons eligible to rent the dwelling unit (e.g., married students, graduate students, juniors and seniors, etc.);
 - c. a description of the programs available at the location (e.g., honors program, Greek organizations, living learning communities, Upward Bound, etc.);
 - d. the rental price;
 - e. a description of amenities provided within the dwelling unit (e.g., whether or not the unit has air conditioning or laundry facilities);
 - f. a description of the types of common spaces provided within the facility; and
 - g. a timeline for the construction or alteration of each identified dwelling unit, including significant interim action steps as well as an estimated date of completion not to exceed three years from the signing date of this agreement.
- B. After written notification from OCR that the plan developed pursuant to Item II.B is consistent with Section 504 and Title II requirements, the University will timely implement the plan in accordance with the estimated timeframes. The University will notify OCR in writing of any delay of more than 20 business days and provide an explanation of the delay and the new estimated date for completion.
- C. By **August 1, 2014**, the University will provide notification in its student handbook, on its website, in its recruiting and orientation materials, and in any materials provided to students during its housing application and renewal processes that, upon request, it will provide accessible housing to individuals with disabilities and that it will provide an accessible venue for any University programs scheduled to occur in University housing that is not readily accessible to and usable by persons with disabilities. The University will also notify students of the title and contact information for the person(s) at the University from whom information regarding accessible student housing may be obtained.

REPORTING REQUIREMENTS: By August 1, 2014, the University will submit documentation to OCR verifying it completed its conversion of the one apartment located in Moloney Hall as set forth in item II.A. Documentation may include photographs, work orders,

purchase orders, measurements, or other documentation. The University will **also** submit to OCR for review the plan developed pursuant to Item II.B above and documentation of the notifications made pursuant to Item II.C. Upon receipt of written notification from OCR that the proposed plan is approved under the agreement, the University will implement the plan. The University will submit interim progress reports to OCR on or by June 15 and December 15 of each year, **beginning with December 15, 2014**, as well as a final report when all work specified in the plan is completed; the University may provide OCR with more frequent reports at its discretion. Each progress report should include a cover letter with a description of the work's progress along with documentation of the progress, which may include pictures, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit of the University's campus at any time deemed necessary by OCR or as requested by the University until all work is completed and, as necessary, to confirm full implementation of the plan.

III. Program Accessibility for Existing Facilities

- A. By March **31, 2014**, the University will develop and submit to OCR for review a plan to ensure that, with respect to any existing facilities (e.g., Administration Building, Hillside House, Eskoonwid Endaad, etc.), it is able to promptly make such physical or programmatic changes as are necessary to ensure that its programs and activities, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. The plan will include provisions for notice to the University community of the University's willingness to move programs and activities as necessary to provide access, including the name or title and contact information of the person to whom requests for program access can be made.
- B. Upon written notification of OCR's approval of the plan developed under Item III.A above, the University will implement the plan.

REPORTING REQUIREMENTS: By March **31, 2014**, the University will submit to OCR the plan developed under Item III.A. Within 30 calendar days of OCR's written notification that the plan is approved, the University will submit documentation verifying that it is implementing the plan, including copies of the notices provided to the University community. By **August 1, 2014**, the University will submit to OCR verification that it is continuing to implement the plan, including documentation of any programs or activities that were moved to provide program access, and any physical changes made to existing facilities to increase accessibility.

General Requirements

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 Section 504 and its implementing regulation at 34 C.F.R. Part 104, Subpart C, and Title II and its implementing regulation at 28 C.F.R. Part 35, Subpart D, which were at issue in this case.

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 Section 504 and its implementing regulation at 34 C.F.R. Part 104, Subpart C, and Title II and its implementing regulation at 28 C.F.R. Part 35, Subpart D.

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 shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

12/18/2013

Vice President for Finance
Lake Superior State University

Date

/s/

12/18/2013

Vice President for Student Affairs
Lake Superior State University

Date

APPENDIX

FACILITY	MODIFICATION(S)
Parking Lot A	<p>The University will modify the accessible spaces so that at least two of the seven designated accessible spaces will be served by clearly demarcated access aisles that are a minimum of 96” wide and will be designated with “van accessible” signage.</p> <p>The University will modify the remaining accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60” wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.</p> <p>The University will modify the accessible parking area so that the slope does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p>
Parking Lot B	<p>The University will modify the accessible spaces so that at least two of the seven designated accessible spaces will be served by clearly demarcated access aisles that are a minimum of 96” wide and will be designated with “van accessible” signage.</p> <p>The University will modify the remaining accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60” wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.</p> <p>The University will modify the accessible parking area so that the slope does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p>
Parking Lot C	<p>The University will add three more accessible spaces, for a total of six accessible parking spaces. For these additional spaces, the University will ensure they have clearly demarcated access aisles, at least 60” wide and extending the full length of the parking space(s) they serve; up to two parking spaces are permitted to share a common access aisle.</p> <p>The University will modify the accessible spaces so that at least one of the required six designated accessible spaces will be served by a clearly demarcated access aisle that is a minimum of 96” wide and will be designated with “van accessible” signage.</p> <p>The University will modify the accessible spaces so that they will be located on the shortest accessible route of travel to accessible entrances to the Athletic Center and the nearby tennis courts.</p>
Parking Lot D	<p>The University will modify the accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60” wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.</p> <p>The University will modify the designated accessible van parking space so that it is demarcated to be either 132” wide with a 60” access aisle, or 96” wide with a 96” access</p>

FACILITY	MODIFICATION(S)
	<p>aisle. In either case, the University will ensure that the access aisle is clearly demarcated.</p> <p>The University will modify the designated accessible spaces so that the space closest to the Administration Building is also on the shortest accessible route to the accessible entrance to that building.</p> <p>The University will modify the accessible parking area so that the slope of the accessible spaces nearest to the Administration Building does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p> <p>The University will ensure the accessible parking space closest to the Fletcher Building will be located on the shortest accessible route to the accessible entrance to that building. The University should note that in parking facilities where the accessible route must cross vehicular traffic lanes, such as through the parking lot, marked crossings enhance pedestrian safety, particularly for people using wheelchairs and other mobility aids. Where possible, it is preferable that the accessible route not pass behind parked vehicles.</p> <p>The University will add appropriate signage to the designated accessible space serving Cisler.</p> <p>The University will repair the curb cut that serves the space closest to Cisler so that it is stable and firm.</p>
Parking Lot E	<p>The University will add one more designated accessible space, for a total of seven accessible parking spaces.</p> <p>The University will modify the designated accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60” wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.</p> <p>The University will modify the designated accessible spaces so that at least two van parking spaces will be provided that are demarcated to be either 132” wide with a 60” access aisle, or 96” wide with a 96” access aisle. In either case, the University will ensure that the access aisles are clearly demarcated and that the parking spaces are designated with “van accessible” signage.</p> <p>The University will modify the designated accessible parking spaces and access aisles serving CASET so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p> <p>The University will modify the designated accessible spaces so that the spaces closest to Cisler are on the shortest accessible route to the accessible entrance to that building. Compliant curb ramps will be provided along the route as necessary.</p>

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Parking Lot G	<p>The University will modify the designated accessible parking space so that it is demarcated to be either 132” wide with a 60” access aisle, or 96” wide with a 96” access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with “van accessible” signage.</p> <p>The University will modify the accessible parking area so that the slope of the accessible space does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p> <p>The University will modify the route from the parking area to the residence halls so that there is an accessible route, and the University will ensure that the designated accessible parking space will be on this accessible route.</p>
Parking Lot J	<p>The University will modify the designated accessible parking spaces so that at least one of the six spaces is demarcated to be either 132” wide with a 60” access aisle, or 96” wide with a 96” access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with “van accessible” signage. The University will ensure that accessible parking spaces that do not meet the accessible van parking space criteria are not marked as such.</p> <p>The University will modify the accessible parking area so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p> <p>The University will modify the designated accessible parking spaces so that they are located on the shortest accessible route to the accessible entrance to the Library. The University should note that in parking facilities where the accessible route must cross vehicular traffic lanes, such as through the parking lot, marked crossings enhance pedestrian safety, particularly for people using wheelchairs and other mobility aids. Where possible, it is preferable that the accessible route not pass behind parked vehicles.</p>
Parking Lot K	<p>The University will modify the designated van accessible parking spaces so that parking spaces a and g and the accessible parking space for the bookstore are each 96” wide with 96” wide access aisles.</p> <p>The University will modify the designated accessible parking spaces so that the space closest to the bookstore is also on the shortest accessible route to the accessible entrance to that building.</p>
Parking Lot L	<p>The University will add five more designated accessible spaces, for a total of six accessible parking spaces. The University will ensure that each space is at least 96” wide and each has a clearly demarcated access aisle, though two accessible spaces may be served by the same access aisle.</p> <p>The University will modify the accessible parking area so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p>
Parking Lot O	<p>The University will modify the designated accessible parking spaces so that parking space c is demarcated to be either at least 132” wide with a 60” access aisle, or at least 96” wide</p>

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	<p>with a 96” access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with “van accessible” signage.</p> <p>The University will modify the remaining designated accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60” wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.</p> <p>The University will modify the designated accessible parking spaces so that space closest to the bookstore is also on the shortest accessible route to the accessible entrance to that building.</p> <p>The University will modify the designated accessible parking spaces so that all spaces will be able to access the shortest accessible route to the accessible entrance to the Student Village.</p> <p>Compliant curb ramps will be provided as necessary.</p>
Parking Lot S	<p>The University will add one more designated accessible space, for a total of three accessible parking spaces.</p> <p>The University will modify the designated accessible spaces so that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60” wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.</p> <p>The University will modify the designated accessible parking spaces so that at least one of the three spaces is demarcated to be either 132” wide with a 60” access aisle, or 96” wide with a 96” access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, that the parking space is designated with “van accessible” signage, and that no space is marked “van accessible” that does not meet the van requirements.</p> <p>The University will ensure an accessible route, including any necessary curb ramps, from the designated accessible space closest to Moloney to the accessible entrance to the building.</p>
Parking Lot X	<p>The University will modify the designated accessible parking space on the right facing the building so that it is demarcated to be either at least 132” wide with a 60” access aisle, or at least 96” wide with a 96” access aisle. In either case, the University will ensure that the access aisle is clearly demarcated, and that the parking space is designated with “van accessible” signage.</p> <p>The University will modify the designated accessible parking space on the left facing the building is located on the shortest accessible route to the accessible entrances to the buildings this lot serves. The University will provide a compliant curb ramp as necessary</p>

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	<p>and will ensure that the accessible route does not require a person to pass behind parked vehicles or travel in the vehicular drive.</p> <p>The University will modify the accessible parking area so that the slope of the accessible spaces does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).</p>
Parking Lots F, H, M, N, and T	<p>The University will add at least the minimum number of designated accessible parking spaces required for the total number of parking spaces in each of these lots by 2010 ADA Standard 208.2, including at least one van space per 6 or fraction of 6 required accessible spaces. Each van space will be demarcated to be either 132” wide with a 60” access aisle or 96” wide with a 96” access aisle. Signage will be provided indicating these spaces to be van accessible. Each of the additional accessible parking spaces will be at least 96” wide and served by an access aisle at least 60” wide. Each space will be on the shortest accessible route to the accessible entrance of the building each parking area serves.</p>
Exterior Accessible Routes Throughout Campus	<p>The University will repair broken, crumbling concrete throughout campus along all accessible routes (e.g., routes between designated accessible parking spaces and accessible building entrances, between buildings, etc.) so that they are useable by persons with mobility impairments.</p>
Norris Center	<p>The University will move the garbage can that is obstructing access to the first-floor exterior hall elevator call button.</p>
Cisler Student & Conference Center	<p>The University will move the sign that is partially blocking the automatic door push plate at main entrance.</p> <p>The University will lower the call buttons for the elevator, add visible signals, and add braille designations in the hoistway.</p>
Fletcher Hall	<p>The University will modify the exterior ramp to the designated accessible entrance to the building so that its slope is not more than 1:12 (or, 8.33% or 4.76 degrees).</p> <p>The University will modify the route to the designated accessible entrance to the building so that it is useable to persons who use wheelchairs, to provide sufficient maneuverable space for a person to operate the door opener and travel around to the opening in order to enter the building, and to ensure that it can be safely used by a person entering the building from the ramp approach while another individual is exiting the building using the doors.</p> <p>The University will adjust the door opening force of the doors to the financial aid office and the registrar’s office to a maximum of 5 lbf, and replace door hardware so that it is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate.</p>
Center for Applied Sciences and Engineering Technology	<p>The University will adjust the door opening force of the interior doors for the designated accessible side entrance to the building to a maximum of 5 lbf, and replace the exterior and interior door hardware so that it is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate.</p>

FACILITY	MODIFICATION(S)
	<p>The University will adjust the door opening force of the classrooms to a maximum of 5 lbf, and replace door hardware so that it does not require tight grasping, pinching, or twisting of the wrist to operate.</p> <p>The University will review all designated accessible seating in the classrooms, modify or replace the designated accessible seating areas to provide sufficient clear floor space for persons who use wheelchairs and sufficient knee clearance beneath the designated accessible seating areas.</p>
Arts Center	<p>The University will modify the handrails for the interior ramp from the theater area to the classrooms so that they extend horizontally for 12” minimum beyond the top and bottom of the ramp runs.</p> <p>The University will adjust the elevator sensor so that the elevator remains open a full 20 seconds when reopened.</p>
Crawford Hall	<p>The University will adjust the door opening force of the door for Classroom 108 to a maximum of 5 lbf.</p> <p>The University will expand the space for the designated accessible seating in Classroom 108 to 36” and will move the garbage can from the accessible route to the designated accessible seating and keep the route clear from obstruction.</p> <p>The University will adjust the door opening force of the doors to the lab classrooms to a maximum of 5 lbf. In the lab classrooms, the University will ensure that paper towel dispensers are lowered to an allowable reach range.</p>
Shouldice Library	<p>The University will adjust the door opening force of the interior hallway doors between the library and classroom/office sections of the building to a maximum of 5 lbf, and replace door hardware so that it does not require twisting of the wrist to operate.</p> <p>The University will adjust the door opening force of the doors to the classrooms to a maximum of 5 lbf, and replace door hardware so that it does not require tight grasping, pinching, or twisting of the wrist to operate.</p> <p>The University will review all designated accessible seating in the classrooms and modify or replace the designated accessible seating areas to provide work surfaces at a height of no lower than 28 and no higher than 34 inches.</p> <p>The University will move the refrigerator at the rear of the coffee shop so that it does not obstruct the side reach to the elevator call buttons.</p> <p>The University will modify the elevator so that it makes an audible sound as the elevator passes or stops at a floor it serves.</p>