



U.S. Department of Justice  
Civil Rights Division  
*Disability Rights Section - NYA*  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

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December 17, 2009

S B , Esq.  
University Counsel  
Pace University  
One Pace Plaza  
New York, NY 10038

Re: Letter of Resolution, D.J. No. 202-51-312  
Pace University

Dear Mr. B :

As you know, this matter began with a complaint filed by the National Federation of the Blind (NFB) and the American Council of the Blind (ACB) with the Department of Justice, on behalf of the organizations and their members who are current and prospective college students, alleging that Pace University has violated title III of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12182, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 947(a) (Section 504), by using the Kindle DX, an innovative, hand-held electronic book reader that is not accessible to students with visual impairments, in a classroom setting. According to the complaints, Pace University is participating in a pilot test of the Kindle DX under contract with Amazon.com, Inc. Pace began its pilot test in the fall 2009 semester. The object of Pace's pilot is to test the utility of the Kindle DX in a classroom setting. The University informed the United States that it has not required any of its students to use the Kindle DX in classes where the device is being tested and also that no students with visual impairments registered for any of the courses participating in the pilot.

The Department of Justice is responsible for the enforcement and implementation of titles II and III of the ADA. The Department decided to investigate this matter because the complainants alleged that Kindle DX is inaccessible to an entire class of individuals with disabilities — individuals with visual impairments. Under title III, blind students must be provided with "full and equal access" to all of the goods and services of the university, 28 C.F.R. § 36.201(a); must be provided with an equivalent opportunity to participate in and benefit from its goods and services, 28 C.F.R. § 36.202(a), (b); and, must not be provided different or separate accommodations unless doing so is necessary to ensure access to goods and services that is equally as effective as that provided to others, 28 C.F.R. 36.202(c).

Pace University denies that its pilot test violates its obligations under title III of the ADA and Section 504. Nonetheless, the Department of Justice remains concerned with the University's use, if any, of the Kindle DX, or any other electronic book reader after the conclusion of the pilot program, if such electronic book reader is not fully accessible to individuals with visual

will consider this matter resolved. We will take no further action on this matter unless we become aware of new information suggesting that Pace is not complying with its obligations under the ADA or this agreement.

We appreciate your cooperation. If you have questions or concerns regarding this agreement, please do not hesitate to contact the Department.

Sincerely,

P B  
United States Attorney for the  
Southern District of New York

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Assistant Attorney General  
Civil Rights Division

D J. K  
Chief, Civil Rights Unit  
Southern District of New York

S R. B  
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