



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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February 3, 2017

Dr. Lake Lambert
President
Hanover College
517 Ball Drive
Hanover, IN 47243

Re: OCR Docket #05-17-2054

Dear Dr. Lambert:

This is to advise you of the resolution of the above-referenced complaint investigation of Hanover College (College) by the U. S. Department of Education (Department), Office for Civil Rights (OCR). The complaint, which was received on December 9, 2016, alleged that the College is discriminating on the basis of disability.

Specifically, the complaint alleged that certain College webpages are not accessible to students and adults with disabilities. These include:

- the College's homepage;
- the Contact Us webpage;
- the About Us webpage;
- the Admissions webpage;
- the Financial Aid webpage;
- the Disability Support Services webpage; and
- the College's Facebook page.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities of recipients of federal financial assistance. As a recipient of Federal financial assistance from the Department, the College is subject to this law.

This letter summarizes the applicable legal standards, the information gathered during the investigation, and how the investigation was resolved.

Legal Authority

Section 504 provides that no qualified persons with disabilities shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by recipients of federal financial assistance.¹ Under Section 504, individuals with disabilities must be afforded an opportunity that is equal to the opportunity afforded others to participate in or benefit from aids, benefits, and services² and must be provided with aids, benefits, or services that provide an equal opportunity as others to achieve the same result or the same level of achievement.³ An individual with a disability, or a class of individuals with disabilities, may be provided with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others.⁴ In sum, programs, services, and activities—whether in a “brick and mortar,” on-line, or other “virtual” context—must be operated in ways that comply with Section 504.

Recipients and public entities must ensure equal access to the educational benefits and opportunities afforded by technology and equal treatment in the use of the technology for all individuals with disabilities who access their programs or activities, including members of the public.

Investigation To Date

During the course of the investigation OCR examined a number of the College’s webpages to determine whether they are accessible to persons with disabilities, including the homepage, the Contact Us webpage, the About Us webpage, the Admissions webpage, the Financial Aid webpage, the Disability Support Services webpage, and the College’s Facebook page.

OCR conducted a preliminary evaluation of the above-listed pages and had concerns with the accessibility of certain features to persons with disabilities, including visually impaired persons (blind and low vision), mobility impaired persons, and hearing impaired persons. There were concerns that: certain items had low contrast, which may render the item unreadable for persons with low vision; certain keyboard controls were not visually apparent or did not access all content and functions; certain linked images and graphics had missing meaningful alt text; and form controls were not labeled. These barriers may deny persons with disabilities access to programs, services, and activities offered on the website and may impede the College’s communications with persons with disabilities. The College has addressed some of the accessibility concerns.

¹ 34 C.F.R. § 104.4

² 34 C.F.R. § 104.4(b)(1)(ii)

³ 34 C.F.R. § 104.4(b)(2)

⁴ 34 C.F.R. § 104.4(b)(1)(iv)

Prior to the conclusion of OCR's investigation, the College expressed an interest in voluntarily resolving this case. In order to conclude OCR's investigation of this complaint, OCR would have had to conduct interviews, review documents, and examine a broader range of pages on the College's website. In light of the College's willingness to address its website comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement would be appropriate.

Resolution Agreement

The College submitted a signed resolution agreement (Agreement) to OCR on February 1, 2017. The College committed to take actions such as:

- Selecting an auditor who has the requisite knowledge and experience to identify barriers to access on the College's website and conducting a thorough audit of existing online content and functionality;
- Making all new website content and functionality accessible to people with disabilities;
- Developing a corrective action plan to prioritize the removal of online barriers;
- Posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
- Providing website accessibility training to all appropriate personnel.

This concludes OCR's investigation of the complaint. These findings should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. OCR will monitor the College's implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement and is in compliance with the statutes and regulations at issue in the case, OCR will terminate its monitoring and close the case. If the College fails to implement the Agreement, OCR may seek compliance with the federal civil rights laws through any means authorized by law, including the enforcement of the terms of the enclosed Agreement.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under

a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

Thank you for the assistance the College extended to OCR in resolving this complaint. We look forward to receiving the College's reports about its implementation of the Agreement. If you have any questions, please contact Sunita Kini-Tandon, Senior Civil Rights Attorney, at (312) 730-1452 or by email at Sunita.Kini-Tandon@ed.gov.

Sincerely,

Jeffrey Turnbull
Team Leader

Enclosure

cc: Mr. Nathaniel Uhl