



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I  
5 POST OFFICE SQUARE, 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

August 30, 2017

President Laurie Leshin  
VIA EMAIL: [president@wpi.edu](mailto:president@wpi.edu)

Re: Complaint No. 01-17-2062  
Worcester Polytechnic Institute

Dear President Leshin:

This letter is to inform you of the disposition of the above-referenced complaint filed against Worcester Polytechnic Institute (WPI) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on February 6, 2017, alleging discrimination on the basis of disability. Specifically, the complaint alleged that certain of WPI's web pages are not accessible to students and adults with disabilities, including vision impairments. These include, but are not limited to:

- Homepage  
<https://www.wpi.edu/#main-content>
- Tuition & Financial Aid  
<https://www.wpi.edu/admissions/tuition-aid>
- Loans & Financing Options  
<https://www.wpi.edu/admissions/tuition-aid/types-of-aid/loans-financing>
- Library  
<https://web.wpi.edu/academics/library/>
- Academic Calendar & Catalogs  
<https://www.wpi.edu/academics/calendar-catalogs#main-content>
- Disability Services  
<https://www.wpi.edu/student-experience/resources/disability-services>
- WPI Plan  
<https://www.wpi.edu/wpi-plan>
- Resources & Support  
<https://www.wpi.edu/student-experience/resources>
- Academic Resources Center  
<https://www.wpi.edu/studentexperience/resources/academic-resources-center>
- Experimental Courses  
<https://www.wpi.edu/academics/calendar-courses/experimental-courses>

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis

of disability by recipients of Federal financial assistance. As a recipient of Federal financial assistance, WPI is subject to this law. Accordingly, OCR had jurisdiction to investigate this complaint.

Based on the complaint allegations, OCR opened an investigation of the following issue:

- Whether WPI, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs and activities based on disability, in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4.

#### Legal Authority:

Section 504 prohibits people, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by recipients of Federal financial assistance. 34 C.F.R. § 104.4. Section 504 prohibits affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 34 C.F.R. § 104.4(b)(1)(ii). Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or the same level of achievement as others. 34 C.F.R. § 104.4(b)(2). 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. 34 C.F.R. § 104.4(b)(1)(iv). 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.

#### Investigation To Date:

To date, OCR has investigated this complaint by reviewing information provided by the Complainant and conducting a preliminary assessment of the accessibility of several pages from WPI’s website.

The complaint alleges that WPI’s website is not in compliance with Section 504 because it is inaccessible to individuals with vision disabilities, print disabilities, physical impairments, and hearing impairments. The Complainant used website accessibility checkers (PowerMapper and WAVE) and reported to OCR that WPI’s Homepage, Tuition & Financial Aid, Loans & Financing Options, Library, Academic Calendar & Catalogs, Disability Services, WPI Plan, Resources & Support, Academic Resources Center, and Experimental Courses web pages have accessibility issues for individuals with disabilities. The Complainant then provided OCR with a list of errors copied and pasted from a website accessibility checker.

OCR conducted a preliminary examination of the web pages identified by the Complainant and found possible compliance concerns as to whether WPI’s online programs, services, and activities were accessible to individuals with disabilities. For example, on several of the webpages identified by the Complainant, such as WPI’s Homepage, Tuition & Financial Aid, Loans & Financing Options, and Library webpages, certain images did not have keyboard

controls that accessed all content and functions, meaningful alternative text, or adequate visual contrast.

Prior to the completion of OCR's investigation, WPI asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). On August 18, 2017, WPI submitted the enclosed signed resolution agreement (Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint.

In light of the commitments WPI has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor WPI's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether WPI has fulfilled the terms of the Agreement and is in compliance with Section 504 with regard to the issues raised.

If WPI fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give WPI written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This concludes OCR's investigation of the complaint and should not be interpreted to address WPI's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

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.

Please be advised that WPI may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the harmed individual may file a complaint alleging such treatment.

The Complainant may be able to file a private suit in federal court, whether or not OCR finds a violation.

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

OCR looks forward to receiving WPI's first monitoring report by October 18, 2017. For questions about implementation of the Agreement, please contact Abra Francois, Civil Rights Attorney, who will be monitoring WPI's implementation of the Agreement, by e-mail at [Abra.Francois@ed.gov](mailto:Abra.Francois@ed.gov) or by telephone at (617) 289-0142. You may also contact me at (216) 522-2677.

Sincerely,

Meena Morey Chandra *W/P AMM*  
Acting Regional Director

Enclosure

cc: Phil Catanzano  
Holland & Knight LLP