

**Resolution Agreement
Worcester Polytechnic Institute
Complaint No. 01-17-2062**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that Worcester Polytechnic Institute (“WPI”) violated Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104. Specifically, the Complainant, who is not a member of the WPI community, alleged that WPI’s website contained barriers to access for people with disabilities, thereby denying them an equal opportunity to participate in WPI’s programs, services, and activities.

Prior to the completion of OCR’s investigation, WPI agreed to resolve the issues of this investigation pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM). This resolution does not constitute an admission that WPI is out of compliance with Section 504 and/or its implementing regulation. Accordingly, to ensure compliance with Section 504 and its implementing regulation and to resolve the issues of this investigation, WPI agrees to take the actions set forth below.

Assurances of Nondiscrimination. WPI hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in WPI’s programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration.

Benchmarks for Measuring Accessibility. Solely for the purposes of this Agreement, the accessibility of online content and functionality will be measured according to the W3C’s Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for web content, which are incorporated by reference.

Adherence to these accessible technology standards is one way to ensure compliance with WPI’s underlying legal obligations to ensure people with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use and that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any of WPI’s programs, services, and activities delivered online, as required by Section 504 and its implementing regulation.

Remedies and Reporting

- 1) Creation of a Task Force to Develop a Strategic Action Plan. Within sixty (60) days of entering into this Agreement, WPI will develop a Task Force made up of qualified members of the WPI community to develop a detailed Strategic Action Plan to (1) review (and revise, as necessary) its policies and procedures designed to address new online content required for course work, (2) set up a system to review and ensure the accessibility of its most highly trafficked online content, (3) develop a process to ensure

that, upon request, remaining content required for course work or other related activities is made accessible expediently, and (4) develop and deliver website accessibility training. The Strategic Action Plan will also include enhanced opportunities for individuals accessing the WPI online environment to report barriers to accessibility and usability. To the extent that students and/or individuals with disabilities are not included on the Task Force, they will be consulted with by the Task Force in the creation of the Strategic Action Plan. WPI will share this Strategic Action Plan with OCR by October 18, 2017.

- 2) Proposed Policies and Procedures Regarding New Online Content and Functionality. Within sixty (60) days of the creation of the Strategic Action Plan, WPI will submit to OCR for its review and approval proposed policies and procedures to ensure that all new, newly-added, or modified online content required for course work or related activities will strive to be accessible to people with disabilities as measured by conformance to the Benchmarks for Measuring Accessibility set forth above, except where doing so would impose a fundamental alteration or undue burden, or could interfere with academic freedom.
 - a) When fundamental alteration or undue burden defenses apply, WPI will follow federal legal requirements to provide effective alternative access. In providing equally effective alternate access, WPI will take any reasonable actions that do not result in a fundamental alteration or undue financial and administrative burdens to ensure that individuals with disabilities receive the same benefits or services as their nondisabled peers. To provide equally effective alternate access, alternate access is not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.
 - b) Reporting: Within thirty (30) days of receiving OCR's approval, WPI will officially adopt, and fully implement the amended policies and procedures referenced in Section 2.
 - c) Reporting: Within forty-five (45) days of receiving OCR's approval, WPI will submit to OCR evidence of their adoption and distribution, and a description of how they are being implemented.
- 3) Undue Burden and Fundamental Alteration Documentation. For any technology-related requirement in this Agreement for which WPI asserts an undue burden or fundamental alteration defense, such assertion may only be made by an individual designated by the General Counsel, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirement and the available funding and other resources. If such a determination is made, WPI will describe in the written statement how it will provide equally effective alternate access, *i.e.*, other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals

with disabilities receive the same benefits or services provided by WPI as their nondisabled peers. These files will be maintained by the Office of Disability Services.

- 4) Existing Content and Functionality. The Strategic Action Plan will define a detailed approach to ensure that its existing content is appropriately updated to reflect the needs of the community and other users. WPI will strive to make its most highly trafficked websites on wpi.edu fully accessible within twelve (12) months. For all other content, WPI currently works extremely hard – largely through its Disability Services Office – to ensure that its community understands that any accessibility concerns are remedied appropriately and expediently. WPI will further publicize these efforts and will seek to provide a dedicated accessibility and usability reporting tool on new and existing web content via an institutional template for use by content developers. This accessibility and usability reporting tool, as well as related accessibility tools, will be shared with the WPI community via email and on the WPI website for all to view.
- 5) Training. Starting no later than sixty (60) days from the date of this Agreement, and annually thereafter, WPI will deliver website accessibility training concerning, among other things, the goals and strategies set forth in the Strategic Action Plan to all appropriate personnel, including, but not limited to: content developers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
- 6) Summary Reporting: Given the ongoing nature of ensuring web accessibility on WPI's campus and the extensive amount of new online content that will be created and assessed each academic year, the Strategic Action Plan will incorporate specific benchmarks, including timeframes, and internal auditing efforts that WPI will implement on an ongoing basis moving forward. WPI will provide to OCR a Summary Report of its efforts to effectuate this Agreement and these ongoing efforts to maintain web accessibility on campus by the beginning of the fall 2018 academic year. WPI will meet and consult with OCR following the submission of this Summary Report and agrees to provide upon request further information to satisfy any specific concerns OCR may raise at that time and until OCR closes the monitoring of this Agreement.
- 7) WPI understands that OCR will not close the monitoring of this Agreement until OCR determines that WPI has fulfilled the terms of this Agreement in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 (a) and (b), which were at issue in this case. WPI understands that OCR will be under no legal obligation to close its monitoring as of any specific date. However, within thirty days (or a similarly reasonable timeframe) after WPI submits its Summary Report, and assuming that OCR in good faith does not raise specific compliance concerns with regard to any reporting obligations set forth in this Agreement, there will be a rebuttable presumption that OCR will close its monitoring of WPI and this Agreement at that time.
- 8) WPI also 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, WPI understands that during the monitoring of this Agreement, if necessary, OCR may request such additional reports or data as is relevant and necessary

for OCR to determine whether WPI has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 (a) and (b), which were at issue in this case.

- 9) WPI 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 WPI written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

For WPI

August 18, 2017

Date