

RESOLUTION AGREEMENT
Connecticut College
OCR Complaint No. 01-17-2217

Connecticut College (College) has voluntarily entered into this agreement (Agreement) with the U. S. Department of Education, Office for Civil Rights (OCR) to resolve the allegation in the above-referenced complaint. The College assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104.

Prior to the completion of OCR's investigation, the College was responsive to OCR's requests and has agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. The College is committed to continuing its ongoing and good faith efforts to ensure the accessibility of online content and functionality. This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the College is not in compliance with Section 504 and/or its implementing regulations. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions.

Assurances of Nondiscrimination. The College hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the College'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. 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 the College'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; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any of the College's programs, services, and activities delivered online, as required by Section 504 and its implementing regulation; and that they receive effective communication of the College's programs, services, and activities delivered online.

Remedies and Reporting

1. Proposed Policies and Procedures Regarding Online Content and Functionality. By **March 15, 2018**, the College will submit to OCR for its review and approval proposed policies and procedures ("Policies and Procedures") to ensure that all new, newly-added, currently existing, or modified online content and functionality will 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.

- a) When the College believes that a requested accommodation will cause a fundamental alteration or undue burden, the Policies and Procedures will require the College to provide equally effective alternative access. The Policies and Procedures will require the College, in providing equally effective alternate access, to take any actions that do not result in a fundamental alteration or undue financial and administrative burdens, but nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services as their nondisabled peers. To provide equally effective alternate access, alternates are 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) The Policies and Procedures must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. This provision also applies to the College's online content and functionality developed by, maintained by, or offered through a third-party vendor or by using open sources.
 - c) The Policies and Procedures must include setting up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis. The Policies and Procedures will incorporate specific benchmarks, including timeframes, and internal evaluation efforts that the College will implement on an ongoing basis moving forward.
 - d) Within forty-five (45) calendar days of receiving OCR's approval of the Policies and Procedures, the College will officially adopt, and fully implement the Policies and Procedures.
 - i) Reporting: Within sixty (60) calendar days of receiving OCR's approval of the Policies and Procedures, the College will submit to OCR evidence of their adoption and distribution and a description of how they are being implemented.
2. Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which the College determines will cause a fundamental alteration or undue burden, such assertion may only be made by the President of the College or by an individual designated by the President who has budgetary authority 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. The written statement will be certified by the determining official. If such a determination is made, the certifying official 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 the College as their nondisabled peers.

3. Notice. By **March 15, 2018**, the College will submit to OCR for review and approval a proposed notice to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to (or notify the College regarding) online information or functionality that is currently inaccessible (Notice). The proposed Notice will also include information or an accessible link to information instructing people how to file formal grievances under Section 504. Within ten (10) calendar days of receiving OCR's approval of the proposed Notice, the College will officially adopt and prominently post links to the approved Notice on its home page and throughout its website (including all subordinate pages and intranet sites).
 - a) Reporting. Within thirty (30) calendar days of receiving OCR's approval of the College's proposed Notice, the College will provide documentation to OCR regarding the locations and content of its published Notice.
 - b) Reporting. Within thirty (30) calendar days of receiving OCR's approval of the College's proposed Notice, the College will ensure the Notice is linked from every page.
4. Training. Starting no later than sixty (60) calendar days from this date of this Agreement, and annually thereafter, the College will deliver website accessibility training 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.
5. Summary Reporting: The College will provide to OCR a Summary Report of its efforts to effectuate this Agreement and its ongoing efforts to maintain web accessibility on campus, including its efforts to meet the specific benchmarks and internal evaluation efforts documented in the Policies and Procedures, by the beginning of the 2018-2019 academic year. The Summary Report will also include documentation that its website accessibility training has been delivered to appropriate personnel, including a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training. The College agrees to consult with OCR following submission of this Summary Report and agrees to provide upon further request information to satisfy any specific concerns OCR may raise at that time and until OCR closes the monitoring of this Agreement.

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, if necessary, OCR may visit the College to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, which was at issue in this case.

The College understands that OCR will not close the monitoring of the Agreement until such time that OCR determines the College has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations that were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

The College 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 College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the College's representative below.

By: _____/s/_____
Richard A Madonna Jr., CPA
Vice President for Finance & Administration
Connecticut College

Date: November 7, 2017