

Resolution Agreement
Suffolk University
Complaint No. 01-17-2242

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that Suffolk University (University) violated 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 University 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 the University is out of compliance with Section 504 or its implementing regulations, nor does it mean that OCR would have found the University to be out of compliance with Section 504 or its implementing regulations had OCR completed its investigation. Accordingly, to ensure compliance with Section 504 and its implementing regulations and to resolve the issues of this investigation, the University agrees to take the actions set forth below.

Assurances of Nondiscrimination. The University hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the University'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. If the University seeks to use different standards to measure accessibility of online content and functionality in the future, the University will seek permission from OCR to amend this Agreement consistent with such standards. Such permission will not be unreasonably withheld. .

Adherence to these accessible technology standards is one way to ensure compliance with the University'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 the University's programs, services, and activities delivered online, as required by Section 504 and its implementing regulations.

As used in this Agreement, the terms "website," "web page," "web site," "site," "Suffolk site," "web system," and "online" shall be deemed to refer to the text, images, video, and audio that are presented by Suffolk University on the World Wide Web under the domain, "www.suffolk.edu" in the form of a main "home" page and sub-pages and that are and have been created, coded, and maintained within the University's Content Management System ("CMS"), "OpenText Web Site Management," a product of the OpenText Corporation.

Remedies and Reporting

1. Strategic Action Plan. The University has represented to OCR that prior to the OCR complaint, it was in the process of redesigning and re-building a WCAG 2.0 compliant website with an anticipated launch date of June 2018. It has also represented to OCR that prior to the OCR complaint it had developed an interim plan to ensure that the current website is accessible and that those compliance objectives are at various stages of completion. As such, within one hundred twenty (120) days of entering into this Agreement, the University will submit for OCR's review and approval its plan for ensuring that the new website complies with the Benchmarks for Measuring Accessibility set forth above, including ensuring that the new website continues to be accessible as it is modified and new content is added after it is launched, and that the University's interim plan for ensuring the current website is accessible (collectively, the "Strategic Action Plan"). The Strategic Action Plan submitted for OCR's review and approval will include the following:
 - a) 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, and that individuals accessing the University website can report barriers to accessibility and usability. When fundamental alteration or undue burden defenses apply, the University will follow federal legal requirements to provide effective alternative access. In providing equally effective alternate access, the University 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. Within thirty (30) days of receiving OCR's approval, the University will officially adopt, and begin to fully implement the amended policies and procedures referenced above.
 - b) A detailed approach to ensure that its existing content is appropriately updated to reflect the needs of the community and other users, and that the community is notified that any accessibility concerns will be remedied appropriately and expediently. The University will publicize these efforts with the community via email or on the University website.
 - c) Given the ongoing nature of ensuring web accessibility, the Strategic Action Plan will incorporate specific benchmarks, including timeframes, and ongoing monitoring and sampling processes that the University will implement on an ongoing basis moving forward.

- d) Within thirty (30) days of receiving OCR's approval of the Strategic Action Plan, the University will officially adopt and initiate implementation of the Strategic Action Plan, including the policies and procedures contained therein. As one component of the Strategic Action Plan will be the redesign and rebuild of the website for launch in the summer of 2018, the Strategic Action Plan will likely include deadlines that post-date thirty days after OCR's approval of the Strategic Action Plan; the University will implement the Strategic Action Plan pursuant to the deadlines set forth therein.
 - e) Reporting: Within forty-five (45) days of receiving OCR's approval of the Strategic Action Plan, the University will submit to OCR evidence of the adoption and distribution of the Strategic Action Plan and the policies and procedures contained therein to relevant parties, and a description of how they are being implemented.
2. Undue Burden and Fundamental Alteration Documentation. For any technology-related requirement in this Agreement for which the University asserts an undue burden or fundamental alteration defense, such assertion may only be made by an individual or University office designated by the University's President, 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, the University 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 University as their nondisabled peers. These files will be maintained by the Office of Disability Services.
 3. Training. By the time of the launch of the new website, and on an annual basis thereafter, the University will deliver website accessibility training concerning, among other things, the goals and strategies set forth in Strategic Action Plan to personnel who will have responsibility for generating and loading web content on the new web page.
 4. Summary Reporting: The University will provide to OCR a Summary Report of its efforts to effectuate this Agreement and these ongoing efforts to maintain web accessibility by the beginning of the fall 2018 academic year. The Summary Report will include copies of materials used in its website accessibility trainings and sign-in sheets identifying the individuals who received training and their positions. The University will consult with OCR to the extent appropriate 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.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University 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. The University 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 the University 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 the University and this Agreement at that time.

The University 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, the University 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 the University 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.

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

The Agreement will become effective immediately upon the signature of the University's representative below.

_____/s/_____
Marissa Kelly, Acting President

December 5, 2017