

RESOLUTION AGREEMENT
University of Maine System Central Office
OCR Complaint No. 01-17-2245

The University of Maine System (the University System) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. The University System 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 Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Prior to the completion of OCR's investigation, the University System agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the University System agrees to take the following actions.

Assurances of Nondiscrimination. The University System hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in University System'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 website 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) 1.1 for web content, which are incorporated by reference.

This agreement and its deadlines, commitments, activities, submissions, approvals, responsibilities, etc., apply solely to the University System website www.maine.edu, including its web pages, content and documents, as specified in section 1 below. This agreement does not apply to any other University System website or online tool, nor subdomains of the www.maine.edu website.

Adherence to these accessible technology standards is one way to ensure compliance with University System'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 University System's programs, services, and activities delivered online, as required by Section 504 and Title II and their implementing regulations, and that they receive effective communication of the University System's programs, services and activities delivered online.

1. Audit of Existing Content and Functionality. By June 15, 2018, the University System will propose for OCR's review and approval the identity and professional credentials of an Auditor (corporation or individual) to audit all content and functionality on its website,

including, but not limited to, the home page, all subordinate pages, and intranet pages, to identify any website content or functionality that is inaccessible to persons with disabilities, including website content and functionality developed by, maintained by, or offered through a third-party vendor or an open source. The Auditor, whether a third-party consultant or University System employee, will have sufficient knowledge and experience in website accessibility for people with disabilities to carry out all related tasks, including developing a Proposed Corrective Action Plan. The Audit will use the Benchmarks for Measuring Accessibility set out above, unless the University System receives prior permission from OCR to use a different standard as a benchmark. During the Audit, the University System will also seek input from members of the public with disabilities, including parents, students, employees, and others associated with the University System, and other persons knowledgeable about website accessibility, regarding the accessibility of its website content and functionality.

- a) Reporting: By June 15, 2018, the University System will submit the professional credentials of its proposed Auditor to OCR for review and approval. OCR will evaluate whether the proposed Auditor has the requisite experience and knowledge to carry out an appropriate Audit and to develop a Proposed Corrective Action Plan. Within ninety (90) calendar days of receiving OCR's approval of the proposed Auditor, the University System will submit to OCR documentation of the steps taken by the Auditor during the Audit, a description of the outreach it undertook and the input it received, and a detailed accounting of the results of the Audit.

2. Creation of a Task Force to Develop a Strategic Action Plan and Address Existing Content. Within sixty (60) calendar days of entering into this Agreement, the University System will develop a Task Force made up of qualified members of the University System community to develop a detailed Strategic Action Plan to: (1) review (and revise, as necessary) its policies and procedures designed to address new website content (2) establish and plan and schedule for ensuring the accessibility of the content identified as inaccessible during the Audit, (3) develop a process to ensure that, upon request, remaining website content is made accessible expeditiously, and (4) develop and deliver website accessibility training. In ensuring the accessibility of the content identified during the Audit, the Strategic Action Plan will set out a detailed schedule for: (1) addressing problems, taking into account identified priorities, with all corrective actions to be completed within twelve (12) months of the date OCR approved the Strategic Action Plan; (2) setting up systems of accountability and verifying claims of accessibility by vendors or open sources; and (3) setting up a system of testing and accountability to maintain the accessibility of all website content and functionality on an ongoing basis. The Strategic Action Plan will also include enhanced opportunities for individuals accessing the University System website 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.

- a) Reporting Requirement: The University System will share this Strategic Action Plan with OCR within one hundred and fifty (150) calendar days of the approval of the proposed auditor (paragraph 1a).

- b) Reporting Requirement: Within forty-five (45) calendar days of receiving OCR’s approval of the proposed Strategic Action Plan, the University System will submit to OCR documentation establishing its efforts to ensure the accessibility of the content identified as inaccessible during the Audit are being done according to the approved schedule in the Strategic Action Plan. Reports will be due every six months thereafter until the Strategic Action Plan has been completed.

3. Proposed Policies and Procedures Regarding New Website Content and Functionality. Within sixty (60) calendar days of OCR approval of the Strategic Action Plan, the University System will submit to OCR for its review and approval proposed policies and procedures to ensure that all new, newly-added, or modified website content 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 fundamental alteration or undue burden defenses apply, the University System will follow federal legal requirements to provide effective alternative access. In providing equally effective alternate access, the University System 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) Within thirty (30) calendar days of receiving OCR’s approval, the University System will officially adopt, and fully implement the amended policies and procedures.
 - c) Reporting Requirement: Within forty-five (45) calendar days of receiving OCR’s approval, the University System will submit to OCR evidence of the adoption and distribution of the policies and procedures, and a description of how they are being implemented.

4. Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which the University System asserts an undue burden or fundamental alteration defense, such assertion may only be made by the University System’s Chancellor, or by an individual designated by the Chancellor’s Office who has budgetary authority, after considering all resources available for use in the funding and operation of the service, program, or activity. If the University System asserts either defense, the University System must provide to OCR a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirement, the available funding, and other resources. The written statement will be certified by the Chancellor or designee with budgetary authority. If such a determination is made, the University System will describe in the written statement how it will provide equally effective alternate access, *i.e.*, other action that would

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 System as their nondisabled peers.

5. Training. Starting no later than one hundred and twenty (120) calendar days from the date of this Agreement, and annually thereafter, the University System will make available 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. The training will include information about how to comply with the Benchmarks for Measuring Accessibility set forth above. The training may be conducted using face-to-face, online or self-paced sessions, as determined by the University System to best suit training goals while considering geography, existing standards & programs, and policies and procedures for delivering employee training.
 - a) Reporting: Until such time as OCR closes its monitoring of this Agreement, the University System will submit to OCR, by June 30th and December 31st of each year, documentation of the training sessions delivered and individual self-paced trainings completed, as required by this Agreement. The documentation will include a list of invitees and attendees, or in the case of self-paced training, participants, and their position titles, a description of the delivered training content, and for face-to-face training sessions, the presenters' credentials for providing such training.

The University System understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University System understands that during the monitoring of this Agreement, if necessary, OCR may visit the University System to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University System has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case.

The University System understands that OCR will not close the monitoring of the Agreement until such time that OCR determines the University System 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 University System 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 System 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 System's representative below.

By: _____ Date: _____
 /s/ James B. Thelen, UMS General Counsel 2/23/2018