

RESOLUTION AGREEMENT
Massachusetts College of Pharmacy and Health Sciences
OCR Complaint No. 01-17-2271

The Massachusetts College of Pharmacy and Health Sciences University (University) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint.

Prior to the completion of OCR's investigation in the above-referenced matter, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. This resolution does not constitute an admission that the University is not in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulations at 28 C.F.R. Part 104. The University is committed to continuing its ongoing and good faith efforts to ensure accessibility of online content and functionality. Accordingly, to resolve the issues of this investigation, the University agrees to take the further 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. 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 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; 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; and that they receive effective communication of the recipient's programs, services, and activities delivered online.

Remedies and Reporting

1. Proposed Policies and Procedures Regarding New Online Content and Functionality. By March 1, 2018, the University will submit to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly added, 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 fundamental alteration or undue burden defenses apply, the Plan for New Content will require the University to provide equally effective alternative access. The Plan for New Content will require the University, 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 Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. This provision also applies to the University's online content and functionality developed by, maintained by, or offered through a third-party vendor, or by using open sources.
 - c) Within ninety (90) calendar days of receiving OCR's approval of the Plan for New Content, the University will officially adopt, and fully implement the amended policies and procedures.
 - d) Reporting: Within ninety (90) calendar days of receiving OCR's approval, the University will submit to OCR the approved policies and procedures, 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 University asserts an undue burden or fundamental alteration defense, such assertion may only be made by the University's President, or by an individual designated by the President and 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 asserts either defense, the University must provide 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 President or designee with budgetary authority. 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 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.
 3. Audit of Existing Content and Functionality. By February 28, 2018, the University 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 and sites, to identify any online content or functionality that is inaccessible to persons with disabilities, including online 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 College 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 receives prior permission from OCR to use a different standard as a benchmark.

- a) Reporting: By February 28, 2018, the University 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 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.

4. Proposed Corrective Action Plan. Simultaneously with the submission of the Audit (i.e., within ninety (90) calendar days of receiving OCR's approval of the proposed Auditor), the University will submit to OCR for its review and approval a proposed Corrective Action Plan to address all inaccessible content and functionality identified during the University's Audit. The proposed Corrective 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 eighteen (18) months of the date OCR approved the Corrective 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 online content and functionality on an ongoing basis.

- a) Within thirty (30) calendar days of receiving OCR's approval of the proposed Corrective Action Plan, the University will officially adopt and implement the Corrective Action Plan.
- b) Reporting: Within forty-five (45) calendar days of receiving OCR's approval of the proposed Corrective Action Plan, the University will submit to OCR the approved Corrective Action Plan, and documentation establishing that the approved Corrective Action Plan is being implemented according to the approved schedule. Reports will be due every six months thereafter until the Corrective Action Plan has been completed.

5. Notice. By February 28, 2018, the University 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 University regarding) online information or functionality that is currently inaccessible. 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 University will officially adopt and prominently post the approved Notice on its home page

- a) Reporting. Within fifteen (15) calendar days of receiving OCR's approval of the University's proposed Notice, the University will provide documentation to OCR

