



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

October 4, 2017

Dr. Richard E. Wylie, President
Via e-mail: rwylie@endicott.edu

Re: Case No. 01-17-2276
Endicott College

Dear President Wylie:

This letter is to inform you of the disposition of the above-referenced complaint filed against Endicott College (College) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), alleging discrimination on the basis of disability. Specifically, the complaint alleged that certain of the College's webpages are not accessible to students and adults with disabilities, including vision impairments. These webpages include:

- Homepage, available at:
<http://www.endicott.edu/>;
- Financial Aid, available at:
<http://www.endicott.edu/Admission/Undergrad-Admission/Financial-Aid.aspx>;
- Accessibility Services, available at:
<http://www.endicott.edu/Academic-Resources/Accessibility-Services.aspx>;
- Athletics & Recreation, available at:
<http://www.ecgulls.com/landing/index>; and
- Library, available at:
<http://www.endicott.edu/Diane-Halle-Library.aspx>.

OCR is responsible for enforcing 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, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the Department. The College is a recipient of financial assistance from the Department. Therefore, OCR had jurisdictional authority to investigate this complaint under Section 504.

Before OCR completed its investigation, the College expressed a willingness to resolve the complaint by taking the steps set out in the enclosed resolution agreement (Agreement). The following is a discussion of the relevant legal standards and information obtained by OCR during the investigation that informed the development of the Agreement.

Legal Standards

Section 504 prohibits individuals, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

recipients of Federal financial assistance. 34 C.F.R. § 104.4. Section 504 also prohibits affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 34 C.F.R. § 104.4(b)(1)(ii). Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or the same level of achievement as others. 34 C.F.R. § 104.4(b)(2). An individual with a disability, or a class of individuals with disabilities, may be provided with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others. 34 C.F.R. § 104.4(b)(1)(iv). Programs, services, and activities—whether in a “brick and mortar,” on-line, or other “virtual” context—must be operated in ways that comply with Section 504.

Factual Background

To date, OCR has investigated this complaint by reviewing information provided by the Complainant and conducting a preliminary assessment of the accessibility of several pages from the College’s website.

The complaint alleged that certain of the College’s webpages were not in compliance with Section 504 because they were inaccessible to individuals with certain disabilities, including, but not limited to, vision impairments. The Complainant used website accessibility checkers (PowerMapper and WAVE) and reported to OCR that the webpages listed above had accessibility issues for individuals with disabilities. The Complainant then provided OCR with a list of errors copied and pasted from the website accessibility checkers that she used.

The College informed OCR that, on September 1, 2017, the College launched a new website, which addresses many, but not all, of the concerns raised in the complaint. The College explained that, for example, some issues remain on its “Athletics & Recreation” website. OCR conducted a preliminary review of the College’s websites on September 12, 2017, and found some possible compliance concerns on the “Athletics & Recreation” site. In particular, the website did not have a skip navigation tool, keyboard controls could not access certain content on the site (such as the main menu and search field), and several images did not have meaningful alternative text.

Conclusion

Prior to the conclusion of OCR’s investigation and pursuant to Section 302 of OCR’s *Case Processing Manual*, the College expressed an interest in resolving this complaint. Subsequent discussions between OCR and the College resulted in the College signing the enclosed Agreement which, when fully implemented, will resolve the issues raised in the complaint. The terms of the Agreement are aligned with the complaint allegations and are consistent with the applicable laws and regulations. OCR will monitor the College’s implementation of the Agreement until it has determined that the College has complied with the terms of the Agreement. Failure to implement the Agreement could result in OCR reopening the complaint.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Civil Rights Attorney Gillian Thompson at (617) 289-0012 or by e-mail at Gillian.Thompson@ed.gov.

Sincerely,

/s/
Meena Morey Chandra *W/P AMM*
Acting Regional Director

cc: Karen Abbott, General Counsel
Via e-mail: kabbott@endicott.edu

Enclosure