

Resolution Agreement

Inter American University of Puerto Rico - Metro OCR Docket No. 02-23-2052

Inter American University of Puerto Rico - Metro (the University) submits this agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, with respect to the issues raised in the complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University.

1. Notice of Nondiscrimination and Identification of the Section 504 Coordinator. Within 30 days of signing this Agreement, the University will publish a fully-accessible notice on its main website and each University campus website that includes the name and/or title and the contact information (telephone number, email address, and physical address) of the employee that the University has designated to coordinate its efforts to comply with and carry out its responsibilities under Section 504 (the Section 504 Coordinator). Pursuant to 34 C.F.R. § 104.8, the notice will also state that the University does not discriminate on the basis of disability in its programs, services, or activities in violation of Section 504. The University will also ensure that the nondiscrimination statement and Section 504 Coordinator's name and/or title and contact information are included in accessible versions of the General Catalog and the General Student Regulations documents, and on the Servicios al Estudiante con Impedimentos web page.
 - a. Reporting Provision: Within 30 days of signing this Agreement, the University will submit to OCR for review and approval the locations and content of its Notice of Nondiscrimination and Identification of the Section 504 Coordinator on its main website and on each University campus website, as well as within fully-accessible versions of the General Catalog and the General Student Regulations documents, including the URL for the Servicios al Estudiante con Impedimentos web page.
2. Publish Accessible Version of Policy E-1213-005 Guías, Normas y Procedimientos para Atender Solicitudes de Acomodo Razonable a Estudiantes. Within 20 days of signing this Agreement, the University will publish in a fully-accessible manner University Policy E-1213-005 Guías, Normas y Procedimientos para Atender Solicitudes de Acomodo Razonable a Estudiantes on its main website including, at a minimum, on its Servicios al Estudiante con Impedimentos web page, to ensure that the Policy is communicated effectively to individuals who use assistive technologies, including screen readers and refreshable Braille displays. The Policy shall include full contact information for the University's Section 504 Coordinator.
 - a. Reporting Provisions: Within 20 days of signing this Agreement, the University will submit to OCR for review and approval the location(s) and content of a fully-accessible publication of University Policy E-1213-005.

3. Invite the Complainant to Engage in the Interactive Process. Within two business days of the receipt of OCR's approval of the fully-accessible publication of University Policy E-1213-005, the University will provide the Complainant the location of the accessible Policy, and a member of the University's Servicios al Estudiante con Impedimentos office staff will extend a written offer to the Complainant to engage in an interactive process designed to ensure he is able to participate on an equal opportunity basis with his nondisabled peers in the IRB process and other relevant programs.
 - a. Reporting Provision: Within two days of OCR's approval of the fully-accessible University Policy E-1213-005, the University will submit to OCR a copy of its written offer to the Complainant required by this paragraph. Within two days of the University's receipt of the Complainant's response to the offer, the University will submit to OCR a copy of the Complainant's response.

The University will also engage in the following activities to ensure its programs, services, and activities communicated or facilitated online are accessible to people with disabilities:

4. Adopt a Website Accessibility Standard. Within 45 days of signing this Agreement, the University will adopt a widely-accepted accessibility standard, such as the Web Content Accessibility Guidelines (WCAG), version 2.1, level AA, or another standard that requires an equivalent level of accessibility for people with disabilities.
 - a. Reporting Provision: Within 45 days of signing this Agreement, the University will submit for OCR's review and approval its chosen accessibility standard.
5. Provide Notice. Within 45 days of signing this Agreement, the University will prominently post a fully-accessible Notice on the University's website describing how people with disabilities can inform the University of any technology-based barriers to access they have encountered and how they can request access to the underlying University program, service, or activity.
 - a. Reporting Provision: Within 45 days of signing this Agreement, the University will submit for OCR's review and approval the location and content of its Notice, as well as protocols and timeframes for responding to reports of barriers.
6. Conduct an Audit. Within 180 days of signing this Agreement, the University shall complete an Audit to identify barriers to access to its online programs, services, and activities. The Audit shall consist of taking an inventory and engaging in manual testing to identify barriers, as follows:
 - a. Undertake an Inventory of Pages to be Tested. The inventory will consist of: (1) URLs on the University's domain, including the University's homepage, first-level landing pages, and all web page templates not otherwise captured, including PDFs; and (2) all URLs outside of the University's domain, including those on all vendor-hosted or third-party-hosted sites, including the IRBNet platform, social media sites, and video hosting services used by the University to communicate or facilitate its programs, services, and activities to members of the public.

- ii. Before determining a winning bidder, the University will select the product that most closely conforms to the University's adopted accessibility standard; if there are two or more products that equally conform to such standard, the University may employ other factors to decide the winning bid. The University will engage in independent testing or otherwise confirm the validity of any vendor-offered accessibility assessment of its own product.
 - d. Reporting Provision: Each time the University determines alternate measures are required in lieu of immediate barrier removal, it will immediately submit those proposed measures to OCR for review and approval. If the alternate measures are being proposed to overcome a perceived undue burden or fundamental alteration, the University will clearly indicate the factors it considered in making such a determination, for OCR's review and approval. No later than nine months after this Agreement was signed, the University will notify OCR that it has fully remediated all barriers identified on the inventoried pages, including associated electronic documents and videos.
- 8. Update Testing and Remediation Protocols. Upon receipt of the notice provided in the preceding paragraph, or earlier if requested by the University, OCR will assess the effectiveness of the University's testing protocols and remediation steps by conducting its own testing on a representative sample of the web pages, electronic documents, and videos identified by the University pursuant to paragraph 3(c), using the University-adopted standard as an appropriate measure of compliance. The University will then participate in all video conferences requested by OCR, and, when appropriate, request that relevant vendors participate in such conferences, so OCR can share concerns or violations regarding any remaining barriers that impede the ability of people with disabilities to have equal opportunities to enjoy the University's underlying programs, services, and activities. These video conferences may also address any noted deficiencies regarding the University's Notice.
 - a. Based on OCR's concerns or violations shared during the video conferences, the University will:
 - i. Make appropriate changes to its testing and remediation protocols, and may require its vendor(s) to engage in appropriate barrier removal;
 - ii. Re-test or engage in additional remediation tailored to address OCR's concerns as appropriate; and
 - iii. Within 30 days of the relevant video conference, notify OCR that the University is ready for OCR to re-test the original pages, along with a list of any additional URLs that the University believes are representative of barrier-free web pages, electronic documents, and videos, as appropriate, from which OCR may select for additional testing.

This process shall continue until, in OCR’s judgment, the University’s testing and remediation protocols result in equal opportunities for people with disabilities.

9. Develop a Plan to Maintain Accessible Features. The University will develop a Plan regarding how it intends to maintain the accessibility of the services, programs, and activities communicated or facilitated online, including updated testing and remediation protocols; revised procurement protocols and language; ongoing training for web developers, procurement officials, and content creators; designations of responsibility; and appropriate levels and sources of funding to support ongoing efforts.

- a. Reporting Provision: Within one year of signing this Agreement, the University will submit for OCR’s review and approval its Plan to Maintain Accessible Features.

Disclaimer. Nothing in this Agreement should be construed to mean that any content and functionality – including lower-priority content and functionality – is not subject to the requirements of Section 504.

Technical Assistance. OCR will provide technical assistance to the University, to the extent practicable, during the University's implementation of this Agreement. The University’s duty to comply with this Agreement is not altered by the availability of technical assistance.

By signing the Agreement, the University agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. During the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of the Agreement.

The University understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the University is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

The University understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the University notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective upon the signature of the representative for the University, set out below.

/s/

Rafael Ramírez Rivera, Ed.D.
President
Inter American University of Puerto Rico

May 24, 2023

Date

Appendix A

For the purposes of this Agreement, testing must address these protocols and questions, which only represent a starting point, rather than a comprehensive set, for assessing digital technology to ensure access to people with disabilities. See [OCR's video series](#) for more information.

For web pages: Check the following across different browsers using different types of hardware (for documentation, please specify the browsers by version and different desktop/laptop configurations):

- Keyboard access: Can users access all functions and content, and complete all tasks, independently by using only the keyboard (<tab>, <enter>, <spacebar>, <esc>, and arrow keys)? Verify in particular:
 - There are no keyboard traps that would prevent a user from advancing through the entire page, such as an automatically-refreshing social media embedded feed (*tip: try to tab very, very slowly through any such feed to observe whether a user can close it, or move past it, at a reasonable point; if the feed keeps refreshing by automatically adding additional entries to be shown, it causes a trap for those who are unable to use quick keyboard strokes – or a mouse - to navigate*); and
 - Expandable elements can not only be expanded, but can also be collapsed automatically or with a keyboard command, so they do not block other content.
- Logical reading order: Does keyboard navigation follow a logical, predictable order?
- Skip links: Can keyboard-only users bypass long navigation menus, embedded social media feeds, etc., without having to use excessive tabbing?
- Visual focus indicator: Can users visually track where they are located on the page while navigating with a keyboard?
- Alternative (Alt) text: Are all important images and graphics labelled with meaningful text, associated captions, or adjoining descriptions so, for example, people who are blind and use assistive technology will have access to the relevant information contained in the image or graphic? For linked images, does the alternative text tell users where the link will take them, rather than describe the image?
- Links: Are links well-named and unambiguous so users who are blind– without having to read nearby content – will understand the purpose and destination of each link? Common examples of ambiguous link names include “click here,” “read more,” “see all,” “http://...”-type, or “event notice,” and other ambiguous phrases.
- Color alone: Are there any instances where color alone distinguishes an object or state? If so, add another way to distinguish the object or state. For example, make sure color is not the only way to distinguish link text from the surrounding paragraph text, and ensure

color-coding is not the exclusive way used to convey important calendar dates (e.g., “no University” dates are marked in purple).

- Color contrast: Using an eyedropper tool or other manual method (automated testing is generally insufficient unless manually verified), is there at least a 4.5:1 contrast ratio for normal size text and a 3:1 contrast ratio for large scale text, comparing foreground and background colors of all text elements and text inside graphics? Text inside logos can be ignored for these purposes.
- Tables: Does the page avoid using layout tables? If data tables are present, are they necessary to convey information, or could a more accessible means of presentation be considered instead? If a data table is used, is it simple, so no cells span multiple columns or rows? Are column and row headers programmatically labelled?
- Buttons, form controls, and other operable elements: Are they labelled appropriately, both programmatically and visually? Do the visual labels continue to be properly associated with the elements when the screen is enlarged? If the elements have different states (such as form fields that are required for successful submission), are those conveyed by something other than color alone?
- Heading structure: Are headings programmatically labelled with a meaningful hierarchy, so people who are blind and using a screen reader can navigate a page according to its headings, listen to a list of headings, and skip to where they want to begin reading?
- Embedded videos and slide carousels: Where there are embedded videos or carousels, if they launch or rotate automatically, is that behavior necessary? If so, can a user pause or stop the video or carousel, and later replay the video or carousel, with keyboard commands? The ability to stop the video or carousel rotation can be important, not just while users are on the video or carousel, but while they are in other parts of the page.
- Magnification: Have you re-tested everything when content is magnified to the “point of reflow,” or in “responsive mode,” when the formatting changes to be more mobile-friendly (typically around 200% on standard laptop screens)? Are all contents and all functionality preserved and useful?
 - Paying particular attention to any “hamburger menus,” or expandable menus, can they be opened, navigated (including any sub-level items), and closed automatically or easily with the keyboard?
 - Is logical reading order on the page preserved, without the need to scroll right to left? If vertical scrolling is required inside windows or objects, can it be done with the keyboard?
 - Do elements meant to be together (such as form labels and text entry boxes) stay together upon magnification?

For electronic documents: In addition to addressing the questions above, have you conducted an accessibility review of your documents using the software's accessibility checker (e.g., "Check Accessibility" feature in Microsoft Word, "Accessibility Check" feature in Adobe Acrobat Pro DC, etc.)?

For videos:

- Is captioning present or is a transcript available? Transcripts should only be used when the audio can be fully understood separately from viewing the video and does not reference video content.
- Does the captioning or transcript meaningfully convey the contents of the audio track (not just phonetically)?
- Does the captioning or transcript indicate the names or appropriate descriptions of the speakers, if more than one person is speaking?
- Does the captioning or transcript use capitalization and punctuation appropriately, if that is important to understanding the contents?
- Is important on-screen information also conveyed audibly, so people who are blind or have low vision have access to the contents?

For social media posts:

- If graphic images are used, are they accompanied by text that conveys the same information?
- If videos are used, are they accessible as described above?