



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
THE WANAMAKER BUILDING, SUITE 515  
100 PENN SQUARE EAST  
PHILADELPHIA, PA 19107-3323

REGION III  
DELAWARE  
KENTUCKY  
MARYLAND  
PENNSYLVANIA  
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**October 11, 2017**

IN RESPONSE, PLEASE REFER TO: 03172422

Dr. John M. Ferretti  
President  
Lake Erie College of Osteopathic Medicine  
1858 West Grandview Boulevard  
Erie, PA 16509-1025

Dear Dr. Ferretti:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Lake Erie College of Osteopathic Medicine (LECOM), with the United States Department of Education (Department), Office for Civil Rights (OCR) on July 3, 2017, alleging discrimination on the basis of disability. Specifically, the complaint alleged that certain of LECOM's web pages are not accessible to students and adults with disabilities including, but not limited to, vision and print disabilities and physical impairments. These include:

- Homepage - <https://lecom.edu/>
- About - <https://lecom.edu/about-lecom/>
- Maps - <https://lecom.edu/maps-directions/>
- Clery Act Report - <https://lecom.edu/about-lecom/clery-act-safety-report/>
- Disability Services - <https://lecom.edu/about-lecom/lecom-disability-services/>
- Virtual Tours - <https://lecom.edu/virtual-tours/>
- Youtube - <https://www.youtube.com/watch?v=w6moE8E189Q>

OCR enforces Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, LECOM is subject to Section 504 and its implementing regulations.

Based on the complaint allegations, OCR opened an investigation of the following issue:

- whether LECOM, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs, activities, aids, benefits, or services in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4.

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

Legal Authority:

Section 504, prohibits people on the basis of disability from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by recipients of federal financial assistance or by public entities. 34 C.F.R. § 104.4. In addition, Section 504 prohibits affording individuals with disabilities the opportunity to participate in or benefit from aids, benefits, and services that are 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). In sum, 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.

Investigation to Date:

The complaint alleges that the LECOM’s website is not in compliance with Section 504 because it is inaccessible to individuals with vision disabilities, print disabilities, and physical impairments. The Complainant used a website accessibility checker, WAVE, and reported to OCR that the LECOM’s webpages that are identified above have accessibility issues for individuals with disabilities. By letter dated August 23, 2017, the LECOM provided OCR with information regarding steps it had taken to date in order to address the allegation in this complaint. In addition, in its August 23, 2017 letter, which was received prior to the completion of OCR’s investigation, the LECOM asked to resolve this complaint pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM). On October 10, 2017, the LECOM submitted the enclosed signed resolution agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint.

In light of the commitments the LECOM has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the LECOM’s implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the LECOM has fulfilled the terms of the Agreement and is in compliance with Section 504 with regard to the issue raised.

If the LECOM fails to implement the Agreement, OCR may initiate administrative or judicial proceedings to enforce specific terms and obligations of the Agreement. Before initiating administrative (34 CFR §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give [the recipient] written notice of the alleged breach and sixty (60) calendar days to cure the breach.

This concludes OCR’s investigation of the complaint and should not be interpreted to address the LECOM’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

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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 LECOM may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. 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. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

Thank you for the assistance of the LECOM's counsel extended to OCR in resolving this complaint. For questions about implementation of the Agreement, please contact Amy Niedzalkoski, Team Attorney, at (215) 656-8571 or [amy.niedzalkoski@ed.gov](mailto:amy.niedzalkoski@ed.gov).

Sincerely,

/s/

Beth Gellman-Beer  
Team Leader

Enclosure

cc: Maureen P. Holland, Esq. (by email)