



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

November 29, 2017

Dr. Quinton T. Ross, Jr
President
Alabama State University
915 S. Jackson Street
Montgomery, AL 36101

Re: OCR No. OCR No. 04-17-2218

Dear Dr. Ross:

This is to advise you of the resolution of the above-referenced complaint investigation of Alabama State University (University) by the United States Department of Education (Department), Office for Civil Rights (OCR). The complaint, which was received on April 7, 2017, alleged that the University was discriminating, on the basis of disability. Specifically, the Complainant alleged that the University's Homepage, Costs and Aid, Types of Aid, Grants, Federal Loans, Site Map, Colleges and Departments, Current Students, Levi Watkins Learning Center/Library, Digital Library, Disability Accommodations, and Facebook web pages are not accessible.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 United States Code (U.S.C.) § 794, *et seq.*, and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities of recipients of federal financial assistance. As a recipient of federal financial assistance from the Department, the University is subject to OCR's jurisdiction under Section 504.

OCR opened an investigation of the following issues:

1. Whether the University, 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 and the regulation implementing Title II at 28 C.F.R. § 35.130.
2. Whether the University failed to take appropriate steps to ensure that its communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communications with others, in violation of the regulation implementing Title II at 28 C.F.R. § 35.160(a).

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

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Legal Authority:

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 recipients of federal financial assistance. 34 C.F.R. § 104.4. Section 504 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). 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 University’s website is not in compliance with Section 504 because it is inaccessible to individuals with vision disabilities, print disabilities, physical impairments, and hearing impairments. The Complainant used website accessibility checkers (PowerMapper and WAVE) and reported to OCR that the following pages on the University’s website are not accessible to individuals with disabilities: University’s Homepage, Costs and Aid, Types of Aid, Grants, Federal Loans, Site Map, Colleges and Departments, Current Students, Levi Watkins Learning Center/Library, Digital Library, Disability Accommodations, and Facebook web pages.

Before OCR conducted an investigation of the website, the University expressed an interest in voluntarily resolving this case pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM). In light of the University’s willingness to address its website comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement is appropriate.

The University submitted a signed resolution agreement (Agreement) to OCR on November 9, 2017. When fully implemented, the Agreement will address any barriers as well as resolve issues of accessibility pertaining to the rest of the University’s website. The University committed to take actions including:

- selecting an auditor who has the requisite knowledge and experience to identify barriers to access on the University’s website and conducting a thorough audit of existing online content and functionality;
- making all new website content and functionality accessible to people with disabilities;
- developing a corrective action plan to prioritize the removal of online barriers over an 18-month period;
- posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and

- providing website accessibility training to all appropriate personnel.

OCR will monitor the University'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 University has fully and effectively implemented the terms and obligations of the Agreement and is in compliance with the statutes and regulations at issue in the case.

If the University 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 University written notice of the alleged breach and sixty (60) calendar days to cure the breach.

This concludes OCR's investigation of the complaint. These findings should not be interpreted to address the University'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 University 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.

If you have any questions, please contact Malicia Hitch, General Attorney at (470) 231-1994 or the undersigned, at (404) 974-9366.

Sincerely,

Virgil Hollis
Compliance Team Leader

Cc: Kenneth L. Thomas, counsel (via email)