



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

RENAISSANCE TOWER
DALLAS, TEXAS 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

February 7, 2023

By email only to: president@usf.edu

Rhea Law
President
University of South Florida
4202 E. Fowler Avenue
Tampa, FL 33620

Re: OCR Docket No. 04-22-6001
University of South Florida

Dear President Law:

This letter is to advise you of the resolution of the compliance review that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in University of South Florida (University). OCR initiated this compliance review in part to assist the University, as an institution committed to veteran success, in its efforts to provide equal opportunities to veterans and other students. OCR investigated whether the University's online programs, services, and activities exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. § 104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. In addition, OCR investigated whether the University fails to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department.

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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OCR conducted an assessment of the University's online programs, services, and activities and noted possible compliance concerns including, but not limited to:

- The page did not have a logical reading order for keyboard users, posing a barrier for individuals who are unable to use a computer mouse;
- Important content was obstructed when navigation menus were opened, posing a barrier for individuals who are unable to use a computer mouse; and
- Some content was obstructed when the page was magnified.

During the compliance review, the University provided its then-current practices and protocols, including published standards and reporting options for persons with concerns regarding accessibility to file concerns and complaints. OCR reviewed those existing policies and has outlined improvements and standards that will assist the University in providing increased accessibility.

On February 2, 2023, the University signed the enclosed resolution agreement (Agreement) to voluntarily resolve the compliance review pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement. The University has noted that it is committed to working with OCR to ensure compliance with Section 504 and Title II, and that this Agreement memorializes appropriate goals, training, and enhancements to its existing accessibility program. The Agreement was entered into voluntarily, without constituting an admission of liability, non-compliance, or wrongdoing by the University.

This concludes OCR's compliance review. This letter 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 compliance review. 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. An individual may have the right to file a private suit in federal court whether or not OCR finds a violation.

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, we 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, please contact me at (214) 661-9618 or David.Kutch@ed.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Kutch". The signature is stylized and written in a cursive-like font.

David Kutch
Attorney

Enclosure

Courtesy copy by email only to:

Joanne Adamchak
Deputy General Counsel
jadamcha@usf.edu