



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

JOHN C. KLUCZYNSKI FEDERAL BUILDING
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CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

April 13, 2022

By email only to:

President
Highland Community College
2998 W. Pearl City Road
Freeport, IL 61032

Re: OCR Docket No. 05-22-2040
Highland Community College, Illinois

Dear President Kuberski:

This letter is to advise you of the resolution of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) investigated in Highland Community College (College). The Complainant alleged that certain technological barriers on the College's website discriminate against individuals with disabilities by excluding them from participating in the College's programs, services, or activities, and activities that are communicated through the College's websites. More specifically, the Complainant alleged that people who are deaf or who have hearing impairments and people who are blind or who have low vision do not have an equal opportunity to enjoy some of the College's services, programs, and activities.

OCR investigated whether the College, on the basis of disability, is excluding qualified persons with disabilities from participation in, denying them the benefits of, or otherwise subjecting them to discrimination in its programs, activities, aids, benefits, or services communicated online 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. OCR also investigated whether the College is failing to take appropriate steps to ensure that its online 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).

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 College receives Federal financial assistance from the Department and is a public entity, so it is subject to both laws.

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

www.ed.gov

OCR conducted an assessment of the College's online public-facing website and noted possible compliance concerns on different web pages including, but not limited to:

- Although there was an extensive navigation menu, the skip navigation link did not function properly, posing a barrier for individuals who are unable to use a computer mouse;
- Keyboard users could not access all features and functions, posing a barrier for individuals who are unable to use a computer mouse;
- The visual focus indicator was inconsistently apparent for keyboard users, posing a barrier for individuals who are unable to use a computer mouse;
- The page layout, when enlarged by low vision users to the point of reflow, lost content or functionality, posing a barrier for individuals with low vision;
- The foreground and background colors of important content lacked sufficient color contrast, posing a barrier for individuals with low vision;
- The auto-play content could not be paused by the user, posing a barrier for individuals who use assistive technology;
- Interactive elements lacked meaningful programmatic labels, posing a barrier for individuals who use assistive technology;
- Important images lacked meaningful alternative text, posing a barrier for individuals who use assistive technology;
- Videos lacked meaningful captions, posing a barrier for individuals who are deaf or hard of hearing; and
- Table content was not effectively communicated to individuals who use assistive technology.

Before OCR completed its investigation, the College expressed a willingness to resolve the complaint. OCR determined that it is appropriate to resolve the complaint pursuant to Section 302 of the OCR's Case Processing Manual because the investigation has identified issues that can be addressed through a resolution agreement.¹

On April 12, 2022, the College signed the enclosed Resolution Agreement (Agreement) to voluntarily resolve the complaint allegations pursuant to Section 302 of OCR's Case Processing Manual. When fully implemented, the Agreement will address all of the allegations investigated. OCR will monitor the implementation of the Agreement. OCR may request additional

¹ See *Case Processing Manual* (August 26, 2020), www.ed.gov/ocr/docs/ocrcpm.pdf.

information as necessary to determine whether the College has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issues raised.

This concludes OCR's investigation. 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 directed investigation. 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 a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the harmed individual may file a complaint alleging such treatment.

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 (312) 730-1510 or tamara.perry@ed.gov.

Sincerely,

/s/

Tamara Perry
Attorney Advisor

Enclosure

Courtesy copy by email only to:

Timothy B. Zollinger
Counsel for the College
zollinger@wmpj.com