

Resolution Agreement

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

To resolve the above-referenced directed investigation brought under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act (Title II), the Office for Civil Rights (OCR) of the U.S. Department of Education and Highland Community College (the College) enter into the following Agreement. This Agreement is entered into voluntarily, and it does not constitute an admission of liability, non-compliance, or wrongdoing by the College.

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

1. Adopt an Accessibility Standard. Within 30 days of this Agreement, the College will preliminarily select a widely-accepted accessibility standard, such as the Web Content Accessibility Guideline (WCAG), version 2.1, level AA, or another standard that requires an equivalent level of accessibility for people with disabilities.
 - a. Reporting Provision: Within 14 days of the selection, the College will submit for OCR's review and approval its preliminarily chosen accessibility standard. After OCR approves the College's chosen accessibility standard, the College will submit the chosen standard to its policy review committee for final adoption. Within 14 days of the Committee's formal adoption of the chosen standard, the College notify OCR that the standard has been adopted.
2. Provide Notice. Within 45 days of this Agreement, the College will prominently post a fully-accessible Notice on the College's website describing how people with disabilities can inform the College of any technology-based barriers to access they have encountered and how they can request access to the underlying College program, service, or activity.
 - a. Reporting Provision: Within 45 days of this Agreement, the College 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.
3. Conduct an Audit. Within 180 days of this Agreement, the College 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 College's domain, including the College's home page, first-level landing pages, and all web page templates not otherwise captured, and (2) all URLs outside of the College's domain, including those on all vendor-hosted or third-party-hosted sites including social media sites and video hosting services used by the College to communicate or facilitate its programs, services, and activities to members of the public.

- d. Before determining a winning bidder, the College will select the product that most closely conforms to the College’s adopted accessibility standard; if there are two or more products that equally conform to such standard, the College may employ other factors to decide the winning bid. The College will engage in independent testing or otherwise confirm the validity of any vendor-offered accessibility assessment of its own product.
 - e. Reporting Provision: Each time the College 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 College will clearly indicate the factors it considered in making such a determination, for OCR’s review and approval. No later than one year after this Agreement was signed, the College will notify OCR that it has fully remediated all barriers identified on the inventoried pages, including associated electronic documents and videos.
5. Update Testing and Remediation Protocols. Upon receipt of the notice provided in the preceding paragraph, or earlier if requested by the College, OCR will assess the effectiveness of the College’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 College pursuant to paragraph 3(c), using the College-adopted standard as an appropriate measure of compliance. The College will then participate in all video conference(s) requested by OCR, and, when appropriate, request relevant vendors to 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 College’s underlying programs, services, and activities. These video conferences may also address any noted deficiencies regarding the College’s Notice.
- a. Based on OCR’s concerns or violations shared during the video conference(s), the College 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 120 days of the relevant video conference, notify OCR that the College is ready for OCR to re-test the original pages, along with a list of any additional URLs that the College 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 College’s testing and remediation protocols result in equal opportunities for people with disabilities.

6. Develop a Plan to Maintain Accessible Features. The College 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 18 months of this Agreement, the College will submit for OCR’s review and approval its Plan to Maintain Accessible Features.
7. 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 and Title II.
8. Technical Assistance. OCR will provide technical assistance to the College, to the extent practicable, during the College's implementation of this Agreement. The College’s duty to comply with this Agreement is not altered by the availability of technical assistance.

The College understands that by signing this Agreement, it agrees to provide data and other information in a reasonably timely manner in accordance with the reporting requirement of this Agreement. Further, the College understands that during OCR's monitoring of this Agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement. Upon the College's satisfaction of the commitments made under this Agreement, OCR will close the case.

At the time documentation is provided to OCR, service of such information may be accomplished by providing it as follows:

OCR’s National Digital Access Team
OCRWebAccessTA@ed.gov

The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will follow the procedures set out in its *Case Processing Manual*.

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

_____/s/
Chris Kuberski, President
Highland Community College

Date 4/12/2022

Appendix A

Testing Protocols

For the purposes of this Agreement, testing must address these questions, which only represent a starting point, rather than a comprehensive protocol, for testing digital technology to ensure access to people with disabilities.

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 (tab very slowly through any such feed to observe whether a user can close it at a reasonable point);
 - 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;
 - Pop-ups or modals can be accessed, closed or minimized, and then accessed again after closed or minimized.
- Logical reading order: Does keyboard navigation follow a logical, predictable order?
- Skip navigation: Can users bypass long or redundant navigation schemes?
- Visual focus indicator: Can users visually discern 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 who use assistive technology will have access to the relevant information contained in the image or graphic?
- Links: Are links, including image links, well-named and unambiguous so blind users – 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,” exposed URLs such as http://... type, and other ambiguous phrases.
- Color alone: Are there any instances where color alone conveys important information or 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.

- Color contrast: Using a manual color contrast checker tool (automated testing is generally insufficient unless manually verified), is there at least 4.5:1 contrast ratio for normal size text and 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.
- Magnification: When content is magnified to the point of reflow, or when the formatting changes to be more mobile-friendly, typically around 200%, are all contents and all functionality preserved and useful?
 - Paying particular attention to any “hamburger menus,” can they be opened, navigated (including any sub-level items), and closed easily with the keyboard?
 - Is logical reading order on the page preserved, without the need to scroll right to left? If 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 reflow?
- 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 blind people using screen readers 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 embedded videos or carousels launch or rotate automatically, can a user pause or stop the play, and later replay the video or carousel, with keyboard commands?

For electronic documents: In addition to addressing the questions above, have you conducted an accessibility review of the document in question using the software’s accessibility checker (e.g., “Check Accessibility” feature in Microsoft Word, “Accessibility Check” feature in Adobe Acrobat Pro DC, etc.

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 appropriately and meaningfully captioned or accompanied by transcripts? Transcripts should only be used when the audio and video can be understood if experienced asynchronously.

For videos:

- Is captioning present or 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?
- Is important on-screen information also conveyed audibly, so people who are blind have access to the contents?