



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

September 8, 2017

Dr. Ben Sells, President
Ouachita Baptist University
410 Ouachita St.
Arkadelphia, AR 71998-0001

Re: Ouachita Baptist University
OCR Number: 06-17-2201

Dear Dr. Sells:

This letter is to inform you of the resolution of the above-referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, against Ouachita Baptist University (OBU or the University), Arkadelphia, Arkansas. The complaint alleged that OBU discriminates against individuals with disabilities. More specifically, the complaint alleged that certain of the University's web pages are inaccessible to individuals with disabilities, including vision impairments. These inaccessible web pages include, but are not limited to, the following:

- a. OBU's homepage;
- b. OBU's "Students with Disabilities" page;
- c. OBU's "Federal Financial Aid" page;
- d. OBU's "About" page (including video that does not appear to be close-captioned);
- e. OBU's "Map and Directions" page;
- f. OBU's "Directory" page;
- g. OBU's "Housing" page;
- h. OBU's "Library" page; and
- i. OBU's "Athletics" page.

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. Because OBU is a recipient of Federal financial assistance from the Department, OCR has jurisdictional authority to process this complaint to resolution pursuant to Section 504.

Based on the complaint allegation and OCR's jurisdictional authority, OCR opened the following legal issue for investigation:

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

1. Whether OBU discriminates against individuals with disabilities on a systemic basis because certain of the recipient’s web pages are not accessible to students and adults with disabilities, including, but not limited to, vision impairments. These inaccessible web pages include:
 - j. OBU’s homepage;
 - k. OBU’s “Students with Disabilities” page;
 - l. OBU’s “Federal Financial Aid” page;
 - m. OBU’s “About” page (including video that does not appear to be close-captioned);
 - n. OBU’s “Map and Directions” page;
 - o. OBU’s “Directory” page;
 - p. OBU’s “Housing” page;
 - q. OBU’s “Library” page; and
 - r. OBU’s “Athletics” page.

Legal Authority:

The regulation implementing Section 504, at 34 C.F.R. § 104.4(a), provides that no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance. In this usage, “program or activity” encompasses a broad variety of operations associated with the receipt of federal financial assistance from the Department, including all operations of a local education agency or a college or university, as well as all of the operations of department, agency, or other instrumentality of a State or local government or the entity of such a State or local government that distributes such assistance and each such department or agency to which the assistance is extended.

The regulation implementing Section 504, at 34 C.F.R. § 104.4(b), further prohibits discrimination on the basis of disability in the provision of any aid, benefit, or service, directly or through contractual, licensing, or other arrangements. A recipient may not deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit, or service; afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others; provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others; or otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

Investigation To Date:

To date, OCR has investigated this complaint by reviewing information provided by the complainant and conducting a preliminary assessment of the accessibility of the University’s website.

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 University's Homepage, Students with Disabilities page, Federal Financial Aid page, About page, Map and Directions page, Directory page, Housing page, Library page, and Athletics page have accessibility issues for individuals with disabilities. The complainant then provided OCR with a list of errors copied and pasted from the website accessibility checker that she used.

OCR conducted a preliminary examination of the web pages identified by the complainant and found possible compliance deficiencies as to whether the University's website is accessible to individuals with disabilities. For example, a review of the University's Homepage revealed images and links without meaningful alternative text, form fields without text labels, and poor visual contrast at the time of OCR's review.

Prior to the completion of OCR's investigation, the University asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). On September 7, 2017, the University 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 University 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 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 fulfilled the terms of the Agreement and is in compliance with Section 504 with regard to the issues raised.

If the University fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This concludes OCR's investigation of the complaint and 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.

Please be advised that the University 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.

The complainant may 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 letter and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR looks forward to receiving the University's first monitoring report by **November 7, 2017**. For questions about implementation of the Agreement, please contact Ms. Rachel Caum, Attorney, at (214) 661-9632, or at rachel.caum@ed.gov. For questions about this letter, you may contact Ms. Caum or me, at (214) 661-9638, or at lori.bringas@ed.gov.

Sincerely,

/s/

Lori Howard Bringas
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXX (*via email only*)