



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

February 13, 2018

Dr. Roderick L. Smothers, Sr., President
Philander Smith College
900 West Daisy L. Gatson Bates Drive
Little Rock, AR 72202

OCR Ref: 06-17-2324

Dear President Smothers:

This letter is to inform you of the disposition of the above-referenced complaint filed against Philander Smith College (College) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on September 19, 2017, alleging discrimination on the basis of disability. Specifically, the complaint alleged that certain of the College's web pages are not accessible to students and adults with disabilities, including vision impairments. These include, but are not limited to:

- a. Homepage (<https://www.philander.edu>);
- b. Financial Aid page (<https://www.philander.edu/financial-aid2>);
- c. About PSC page (<https://www.philander.edu/about-psc>);
- d. Admission page (<https://www.philander.edu/admissions>);
- e. Office of Academic Affairs page (<https://www.philander.edu/academic-affairs>);
- f. Academic Success Center (<https://www.philander.edu/academic-success-center>);
- g. Social Justice Institute page (<https://www.philander.edu/social-justice-institute>);

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. As a recipient of Federal financial assistance from the Department, the College is subject to Section 504 and its implementing regulations.

Based on the complaint allegations, OCR opened an investigation of the following issue:

Whether the College discriminates against individuals with disabilities on a systemic basis because the recipient's web pages are not accessible to students and adults with disabilities including, but not limited to, vision impairments.

Legal Authority:

Section 504 prohibits people, 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 or by public entities. 34 C.F.R. § 104.4. Section 504 prohibits affording

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

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:

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

The complaint alleges that the College’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 several of the College’s webpages have accessibility issues for individuals with disabilities. She 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 College’s website is accessible to individuals with disabilities. For example, a review of the Homepage, Financial Aid page, About PSC page, Admissions page, and Academic Success Page indicated missing alternative text and visual contrast issues at the time of OCR’s review.

Prior to the completion of OCR’s investigation, the College asked to resolve this complaint pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM). On February 13, 2018, the College 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 College 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 College’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 College has fulfilled the terms of the Agreement and is in compliance with Section 504 with regard to the issues raised.

If the College 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 College 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 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 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 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.

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 College’s first monitoring report by March 30, 2018. For questions about implementation of the Agreement, please contact Linda Floyd, the attorney assigned to this complaint, at 214-661-9657 or by email at Linda.Floyd@ed.gov. For questions about this letter, you may contact Linda Floyd or Paul Coxe, Supervisory Attorney/Team Leader, at (214) 661-9608 or Paul.Coxe@ed.gov.

Sincerely,



Paul Coxe
Supervisory Attorney/Team Leader
Office for Civil Rights
Region VI, Dallas Office

Enclosure

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