



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION IX  
CALIFORNIA

50 UNITED NATIONS PLAZA  
MAIL BOX 1200; ROOM 1545  
SAN FRANCISCO, CA 94102

May 11, 2017

Michael E. Engh, S.J.,  
University President  
Santa Clara University  
500 El Camino Real,  
Santa Clara, CA 95053

Re: OCR No. 09-17-2106  
Santa Clara University

Dear President Engh,

This is to advise you of the resolution of the above-referenced complaint investigation of the Santa Clara University (University) by the United States Department of Education (Department), Office for Civil Rights (OCR). The complaint, which was received on December 14, 2016, alleged that the recipient is discriminating, on the basis of disability, because its website is not accessible to persons with disabilities.

OCR is responsible for enforcing section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 United States Code (U.S.C.) § 794, et seq., and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability in programs and activities of recipients of federal financial assistance. As a recipient of federal financial assistance from the Department, the recipient is subject to OCR's jurisdiction under Section 504.

This letter summarizes the applicable legal standards, the information gathered during the investigation, and how the investigation was resolved.

Legal Authority:

Section 504 and Title II prohibit 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. People with disabilities must have equal access to recipients' programs, services, or activities unless doing so would fundamentally alter the nature of the programs, services, or activities, or would impose an undue burden. Section 504 prohibits affording 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.

#### Investigation To Date:

OCR examined the pages on the University's website identified by the complainant to determine whether they are accessible to persons with disabilities. These web pages included:

- Homepage, <https://www.scu.edu/>
- About SCU page, <https://www.scu.edu/aboutscu/>
- Facebook page, <https://www.facebook.com/SantaClaraUniversity>
- Financial Aid page, <https://www.scu.edu/admission/financial-aid/>
- Students Right to Know Act page, <https://www.scu.edu/student-right-to-know-act/>
- Academics page, <https://www.scu.edu/academics/>
- Calendar page, <https://www.scu.edu/registrar/ugrd-academic-calendar/>
- Library page, <https://www.scu.edu/library/>
- Office of Diversity and Inclusion page, [https://www.scu.edu/diversity\](https://www.scu.edu/diversity/)
- Veterans Support Services page, <https://www.scu.edu/diversity/veterans-support-services/>
- Students and Disabilities Resources page, <https://www.scu.edu/disabilities/>

OCR evaluated the above-listed pages and determined; There are PDF documents which cannot be accessed by a screen reader, that some important content of the website could only be accessed by people who can use a computer mouse, which meant that content was not available to those who are blind, many who have low vision, and those with disabilities affecting fine motor control; videos on the website or with links to a third party site did not have captions or were inaccurately captioned; some links were not properly labeled; some forms were not labeled; some images lacked appropriate alt text descriptions there were documents containing charts and graphs that relied on color and shapes to convey information that could not be utilized by persons with vision impairments. These barriers may deny persons with disabilities access to programs, services, and activities offered on the website, impede the recipient's communications with persons with disabilities.

Before OCR conducted additional investigation of the recipient's website, the recipient expressed an interest in voluntarily resolving this case. In light of the recipient's willingness to address its website comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement is appropriate.

Resolution Agreement:

The University submitted a signed resolution agreement (Agreement) to OCR on May 10, 2017. When fully implemented, the Agreement will address the findings of noncompliance noted above as well as resolve issues of accessibility pertaining to the rest of the recipient's website. The University has made a commitment to create new webpages that are accessible and have only accessible content. The recipient committed to take actions including:

Affirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to enjoy the Recipient's programs, benefits and services, including those delivered through electronic and information technology;

- Submit for OCR review and approval proposed policies and procedures (the Plan for New Content) to ensure that all new, newly-added or modified online content and functionality will be accessible to people with disabilities except where doing so would impose a fundamental alteration or undue burden;
- Submit for OCR review and approval, and subsequently adopt and post, a proposed Notice to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to online information or functionality that is currently inaccessible; and
- Deliver website and content accessibility training to all appropriate personnel authorized to approve or add new content to the website.
- Provide OCR with periodic reports on progress on the University's efforts to ensure that new content is accessible and issues with current webpages and existing content are being addressed in a timely manner.

OCR will monitor the recipient's implementation of the Agreement. When OCR concludes the recipient has fully and effectively implemented the terms and obligations of the Agreement and is in compliance with the statutes and regulations at issue in the case, OCR will terminate its monitoring and close the case. If the recipient fails to implement the Agreement, OCR may initiate administrative or judicial proceedings to enforce specific terms and obligations of the Agreement. Before initiating administrative (34 CFR §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the breach.

This concludes OCR's investigation of the complaint. These findings 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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

Thank you for the assistance the University personnel, especially John Ottoboni, General Counsel extended to OCR in resolving this complaint. We look forward to receiving the University's proposed Plan for New Content by May 31, 2017. If you have any questions, please contact David LaDue, Civil Rights Attorney, at [David.LaDue@ed.gov](mailto:David.LaDue@ed.gov) or 415-486-5528 who is supervising implementation of the Resolution Agreement.

Sincerely,

/s/

Zachary Pelchat  
Team Leader

C.c. John M. Otoboni, General Counsel

Enclosure: Resolution Agreement