



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 3, 2017

Dr. Barry H. Corey  
President  
Biola University  
13800 Biola Ave.  
La Mirada, California 90639

Re: OCR Reference No. 09-17-2183  
Biola University

Dear President Corey:

This is to advise you of the resolution of the above-referenced complaint investigation of Biola University (University) by the United States Department of Education (Department), Office for Civil Rights (OCR). The complaint, which was received on February 9, 2017, alleged that the University is discriminating, on the basis of disability, because its website is not accessible to persons with disabilities. These include, but are not limited to:

1. Financial Aid, <https://www.biola.edu/undergrad/financial-aid>
2. Loans, <https://www.biola.edu/undergrad/financial-aid/loans>
3. Homepage, <https://www.biola.edu>
4. Facebook, <https://www.facebook.com/Biola>
5. YouTube, <https://m.youtube.com/user/BiolaUniversity>
6. History and Heritage, <https://www.biola.edu/about/history>
7. Admissions, <https://www.biola.edu/undergrad/admissions>
8. Disability Services/Resources & FAQs, <https://www.biola.edu/disability-services/resources>
9. Disability Services Learning Center, <https://www.biola.edu/learning-center>
10. Disability Services, <https://www.biola.edu/disability-services>
11. Disability Services/Accommodations, <https://www.biola.edu/disability-services/accommodations>
12. Online, <https://www.biola.edu/online>

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 University is subject to OCR's jurisdiction under Section 504.

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

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

- Whether the University, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs and activities based on disability, in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4.

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

#### 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 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 are 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:

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 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 Financial Aid, Loans, Homepage, Facebook, YouTube, and several Disability Services pages 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 above-listed pages identified by the Complainant and found possible compliance concerns as to whether the University's website is accessible to individuals with disabilities. For example, 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. In addition, keyboard controls are not visually apparent. OCR noted that form labels were missing, without properly associated text that labeled the function or purpose of that form control. The functions of those controls therefore may not be presented to screen reader users. Important images and links were missing text descriptions, called “alt tags,” that describe the images to blind users who use special software. These barriers may deny persons with disabilities access to programs, services, and activities offered on the website, impede the University’s communications with persons with disabilities and, therefore, demonstrate possible deficiencies with compliance with Section 504.

Before OCR conducted additional investigation of the University’s website, the University expressed an interest in voluntarily resolving this case pursuant to Section 302 of OCR’s *Case Processing Manual* (CPM) and OCR determined entering into a voluntary resolution agreement is appropriate.

#### Resolution Agreement:

The University submitted a signed resolution agreement (Agreement) to OCR on May 2, 2017. When fully implemented, the Agreement will address the deficiencies noted above as well as resolve issues of accessibility pertaining to the rest of the University’s website. The University committed to take actions including:

- selecting an auditor who has the requisite knowledge and experience to identify barriers to access on the University’s website and conducting a thorough audit of existing online content and functionality;
- making all new website content and functionality accessible to people with disabilities;
- developing a corrective action plan to prioritize the removal of online barriers over an 18-month period;
- posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible; and
- providing website accessibility training to all appropriate personnel.

OCR will monitor the University’s implementation of the Agreement. When OCR concludes the University 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 University 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 XXXXX XXXXXX and XXXXXX XX, extended to OCR in resolving this complaint. If you have any questions, please contact Barry Jointer at [Barry.Jointer@ed.gov](mailto:Barry.Jointer@ed.gov) or 415-486-5543.

Sincerely,

/s/

James Wood  
Team Leader

Enclosure: Resolution Agreement