

Resolution Agreement
Regents of the University of California
Case Number 09-17-2445

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that the Regents of the University of California (“the Office of the President”) violated Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. Specifically, the complainant alleged that the Office of the President’s website contained barriers to access for people with disabilities, thereby denying them an equal opportunity to participate in the Office of the President’s programs, services, and activities and denying them effective communication necessary for full participation in the Office of the President’s programs, services, and activities.

Resolution of the Complaint. Prior to the completion of OCR’s investigation, the Office of the President agreed to resolve the issues of this investigation pursuant to Section 302 of OCR’s Case Processing Manual (CPM). This resolution has been entered into voluntarily between the parties and does not constitute an admission that the Office of the President is not in compliance with Section 504, Title II, and/or their implementing regulations. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the Office of the President voluntarily agrees to take the actions set forth below.

Assurances of Nondiscrimination. The Office of the President hereby reaffirms its commitment to ensure that people with disabilities have an equal opportunity to participate in the Office of the President’s programs, benefits, and services, including those delivered online through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration.

Benchmarks for Measuring Accessibility. For the purposes of this Agreement, the accessibility of online content and functionality will be measured according to the W3C’s Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.

Remedies and Reporting

- 1) Proposed Policies and Procedures Regarding New Online Content and Functionality. By February 28, 2018, the Office of the President will submit to OCR for its review and approval proposed procedures (“the Plan for New Content”) to ensure that all new, newly-added, or modified online content and functionality on the www.universityofcalifornia.edu website and the www.ucop.edu website will be accessible to people with disabilities as measured by conformance to the Benchmarks for Measuring Accessibility set forth above, except where doing so would impose a fundamental alteration or undue burden, in which case the Office of the President will provide equally effective alternative access. Equally effective alternative access need not produce the identical result, but must ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services as nondisabled persons.
 - a) The Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. This provision also applies

to the Office of the President's online content and functionality developed by, maintained by, or offered through a third-party vendor or by using open sources.

- b) Reporting: Within 60 days of receiving OCR's approval of the Plan for New Content, the Office of the President will implement the Plan for New Content on both the www.universityofcalifornia.edu website and the www.ucop.edu website, and provide evidence of its implementation and distribution.
- 2) Audit of Existing Content and Functionality. The Office of the President will provide to OCR for OCR's review and approval the identity and *bona fides* of an Auditor (internal or external) to audit all content and functionality on the www.universityofcalifornia.edu website, including, but not limited to, the home page, all subordinate pages, and intranet pages and sites, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source. The Auditor will have sufficient knowledge and experience in website accessibility for people with disabilities. The Audit will use the Benchmarks for Measuring Accessibility set out above. During the Audit, the Office of the President will also seek input from members of the public with disabilities (including parents, students, and employees), and other persons knowledgeable about website accessibility regarding the accessibility of its online content and functionality.
 - a) Reporting: By February 14, 2018, the Office of the President will submit the *bona fides* of its proposed Auditor to OCR for review and approval. OCR will evaluate whether the proposed Auditor has the requisite experience and knowledge to carry out an appropriate Audit. Within ninety (90) days of receiving OCR's approval of the proposed Auditor, the Office of the President will submit to OCR documentation of the Audit process, a detailed accounting of the results of the Audit, and a description of the outreach it undertook and the input it received.
 - 3) Proposed Corrective Action Plan. Within ninety (90) days of receiving OCR's approval of the proposed Auditor, the Office of the President will submit to OCR for its review and approval a proposed Corrective Action Plan to address all content and functionality that did not comply with the Benchmarks for Measuring Accessibility (set out above) during the Audit. The proposed Corrective Action Plan will set out a detailed schedule for: (1) addressing problems, taking into account identified priorities, with all corrective actions to be completed within 18 months of the date OCR approved the Corrective Action Plan; (2) setting up systems of accountability and verifying claims of accessibility by vendors or open sources; and (3) setting up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis.
 - a) Within 30 days of receiving OCR's approval of the proposed Corrective Action Plan, the Office of the President will officially adopt and implement the Corrective Action Plan.
 - b) Reporting: Within 45 days of receiving OCR's approval of the proposed Corrective Action Plan, the Office of the President will submit to OCR the approved Corrective Action Plan, and documentation establishing that the approved Corrective Action Plan is being implemented according to the approved schedule. Reports will be due every six months thereafter until the Corrective Action Plan has been completed.

- 4) Notice. By December 15, 2017, the Office of the President will submit to OCR for review and approval a proposed Notice advising persons with disabilities about how to request that the Office of the President provide access to any online information or functionality that is currently inaccessible on the www.universityofcalifornia.edu and www.ucop.edu websites. The proposed Notice will also include information or an accessible link (Accessibility Link) advising people how to file an internal formal grievance with the Office of the President under Section 504 and Title II. Within 15 days of receiving OCR’s approval of the proposed Notice and Accessibility Link, the Office of the President will post the approved Notice and Accessibility Link on its home page and throughout the www.universityofcalifornia.edu website and the www.ucop.edu website (including all subordinate pages and intranet sites).
 - a) Reporting. Within 30 days of receiving OCR’s approval of the Office of the President’s proposed Notice and Accessibility Link, the Office of the President will provide documentation to OCR regarding the publication of its Notice and Accessibility Link on every page.
- 5) Training. By June 29, 2018 and annually thereafter during the course of this Agreement, the Office of the President will deliver website accessibility training to all appropriate personnel, responsible for developing, publishing, maintaining, or auditing web content and functionality.
 - a) Reporting: For each training session provided under this Agreement, the Office of the President will submit to OCR documentation that it has occurred. The documentation will include a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters’ credentials for giving such training.
- 6) The Office of the President understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Office of the President understands that during the monitoring of this Agreement, OCR may visit the Office of the President, interview staff and students, and request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the Office of the President has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 (a) and (b), and Title II, at 28 C.F.R. §§ 35.130 and 35.160, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the case.
- 7) The Office of the President 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 this Agreement, OCR shall give the Office of the President written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
For the Office of the President

_____12/01/2017_____
Date