



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

March 13, 2018

Via Electronic Mail

Daniele C. Struppa, Ph.D.
President
Chapman University
1 University Drive
Orange, California 92866

Re: OCR No. 09-17-2492

Dear President Struppa,

This letter is to inform you of the disposition of the above-referenced complaint filed against Chapman University (University) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), on July 17, 2017, alleging discrimination on the basis of disability. Specifically, the complaint alleged that certain of the University's web pages are not accessible to students and adults with disabilities, including vision impairments.

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.

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 the 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. 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:

During the course of the investigation OCR examined a number of pages on the University’s website to determine whether they are accessible to persons with disabilities. These web pages included:

Homepage, <https://www.chapman.edu>

About, <https://www.chapman.edu/about/index.aspx>

Contact us, <https://www.chapman.edu/about/contact-us.aspx>

Academics, <https://www.chapman.edu/academics/index.aspx>

Admissions, <https://www.chapman.edu/admission/index.aspx>

Undergraduate Admissions, <https://www.chapman.edu/admission/undergraduate/index.aspx>

Can I Afford Chapman, <https://www.chapman.edu/admission/undergraduate/afford.aspx>

Federal and State Grants, <https://www.chapman.edu/students/tuition-and-aid/financial-aid/scholarships-and-grants/state-aid-cal-grant.aspx>

Campus Life, <https://www.chapman.edu/campus-life/index.aspx>

Diversity & Inclusion, <https://www.chapman.edu/diversity/index.aspx>

Disability Services, <https://www.chapman.edu/students/health-and-safety/disability-services/index.aspx>

OCR evaluated the above-listed pages and determined that important images were missing or had in accurate text descriptions, called “alt tags,” that describe the images to blind and low-vision users who use special software; some important functions and content of the website could only be accessed by people who can use a computer mouse, which meant that content may not available to those who are blind, many who have low vision, and those with disabilities affecting fine motor control; parts of the website used color combinations that made text difficult or impossible for people with low vision to see; and video recordings were not provided with captions or a transcript,

so they were inaccessible to people who are deaf. These barriers deny persons with disabilities access to programs, services, and activities offered on the website and may impede the University's communications with persons with disabilities.

Prior to the conclusion of OCR's investigation, the University expressed an interest in voluntarily resolving this case. In order to conclude OCR's investigation of this complaint, OCR would have had to conduct interviews, review documents, and examine a broader range of pages on the University's website; OCR would have sought to learn, for example, whether the University had received previous complaints of inaccessible website content or functionality, and how those complaints were resolved; and whether its information technology staff members and people responsible for uploading content or maintaining web pages had received training in website accessibility. In light of the University's willingness to address its website comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement would be appropriate.

Resolution Agreement:

The University submitted a signed resolution agreement (Agreement) to OCR on March 5, 2018.

The University committed to take actions such as:

- Creating a "Strategic Action Plan" to address website accessibility issues for persons with disabilities;
- Making all new website content and functionality accessible to people with disabilities;
- Posting a notice to persons with disabilities about how to request access to online information or functionality that is currently inaccessible and;
- Providing a Summary Report to OCR by August 27, 2018 of its' efforts to implement the Strategic Action Plan as well as the on-going efforts to maintain web accessibility and usability if its' website.

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. OCR will monitor the University's implementation of the Agreement. When OCR concludes the University has fully implemented the terms 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 seek compliance with the federal civil rights laws through any means authorized by law, including to enforce the specific terms of the Agreement.

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.

For questions about implementation of the Agreement, and about this letter, please contact David LaDue Civil Rights Attorney at 415-486-5528 or David.LaDue@ed.gov.

Sincerely,

/s/

Anamaria Loya
Chief Regional Attorney

for
Zachary Pelchat
Team Leader

C.c. Counsel Phillip Catanzano

Enclosure: Resolution Agreement