



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

December 16, 2019

By email only to: president@thomasaquinas.edu

Dr. Michael F. McLean
President
Thomas Aquinas College
10000 Ojai Road
Santa Paula, California 93060

Re: OCR Docket No. 09-19-6909
Thomas Aquinas College, California

Dear President McLean:

This letter is to advise you of the outcome of the directed investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated against Thomas Aquinas College (College) into whether its online programs, services, and activities are accessible to people with disabilities. The College expressed a willingness to resolve the directed investigation by committing to take the steps set out in the enclosed Resolution Agreement (Agreement).

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department.

OCR initiated a directed investigation into whether the College's online programs, services, and activities exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity in violation of 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130. In addition, OCR investigated whether the College fails to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a).

OCR conducted a preliminary assessment of the College's online programs, services, and activities and noted possible compliance concerns, including, but not limited to, the following:

- Users with disabilities who use computer keyboards for navigation due to a disability did not have access to all contents and functions.
- Users with disabilities who use computer keyboards for navigation due to a disability were unable to tell visually where they were on a page, as visual focus indicators were missing.
- The foreground and background colors of important content lacked sufficient contrast, posing a barrier to people with low vision.

Pursuant to Sections 110 and 302 of OCR's Case Processing Manual, OCR offered, and the District agreed, to resolve this matter through a Rapid Resolution Process leading to the enclosed signed Agreement. OCR will monitor the College's implementation of the Agreement.

This concludes OCR's directed investigation. This letter 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 directed investigation. 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. An individual may have the right to 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 document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact me at (415) 486-5593 or by e-mail at genevie.gallegos@ed.gov.

Sincerely,

/s/

Genevie Gallegos
Civil Rights Attorney

Courtesy copies by email only to:

John Quincy Masteller
General Counsel
qmasteller@thomasaquinas.edu

Enclosure