

**Voluntary Resolution Agreement
Western Washington University
OCR Reference No. 10172071**

Western Washington University (University) voluntarily enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint alleging a violation of Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”) and its implementing regulations at 28 C.F.R. Part 35. Specifically, the complainant alleged that the University’s website contained barriers to access for people with disabilities, thereby denying them an equal opportunity to participate in the University’s programs, services, and activities, and denying them effective communication necessary for full participation in the University’s programs, services, and activities. By entering into this Agreement, the University is not admitting to non-compliance with Section 504 or Title II or their implementing regulations.

Assurances of Nondiscrimination. The University hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the University’s programs, benefits, and services, including those delivered 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 and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 techniques for web content, which are incorporated by reference.

Adherence to these accessible technology standards is one way to ensure compliance with the University’s underlying legal obligations to ensure people with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any University programs, services, and activities delivered online, as required by Section 504 and Title II and those statutes’ implementing regulations; and that they can receive effective communication of, and engage with, the University’s programs, services, and activities delivered online.

The University voluntarily agrees to take the actions set forth below.

1. Policies and Procedures for New Online Content and Functionality. By August 15, 2017, the University will submit to OCR for its 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 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.

The Plan for New Content will be in two phases: an Interim Plan and a finalized Plan for New Content. The Plan for New Content must include sufficient quality assurance procedures for full implementation, setting up a system of testing and accountability to maintain the accessibility of all online content and functionality on an ongoing basis, and be backed by adequate personnel and financial resources. This requirement also applies to the university's online content and functionality developed by, maintained by, or offered through a third-party vendor or through the use of open sources, and includes setting up systems of accountability and verifying claims of accessibility by vendors or open sources.

When fundamental alteration or undue burden defenses apply, the Plan for New Content will require the University to provide equally effective alternate access. The Plan for New Content will require the University, in providing equally effective alternate access, to take any actions that do not result in a fundamental alteration or undue financial and administrative burdens, but nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services as their nondisabled peers.

Reporting:

- a) Within 60 calendar days of receiving OCR's approval of the Interim Plan for New Content, the University will adopt, on an interim basis, policies and procedures and propose them for University policy review.
 - b) Within 75 calendar days of receiving OCR's approval of the Interim Plan for New Content, the University will submit to OCR the approved interim policies and procedures, evidence of their interim adoption and distribution, and evidence that the University has initiated the University policy review process.
 - c) Within 180 calendar days of the adoption of the Interim Plan, the University will submit for OCR review and approval a finalized Plan for New Content which has been vetted through the University's process for establishing formal policies.
 - d) Within 60 calendar days of receiving OCR's approval of the finalized Plan for New Content, the University will submit to OCR evidence of their adoption and distribution, and a description of how they are being implemented.
2. Designation of Qualified Individual to Conduct Assessment. Within 30 calendar days of the date of this agreement, the University will submit for OCR's review and approval the identity and credentials of the individual it has designated to assess all existing content and functionality on its website and to identify any online content or functionality that is inaccessible to persons with disabilities. The designated individual will have sufficient

knowledge and experience in website accessibility to carry out all related tasks, including development of a proposed Corrective Action Plan. OCR will evaluate whether the designated individual has the requisite experience and knowledge to carry out an appropriate assessment and to develop a proposed Corrective Action Plan.

Reporting: Within 7 calendar days of receiving OCR’s approval of the individual designated to conduct the website accessibility assessment, the University will submit to OCR an assurance that it has assigned or retained the individual approved by OCR to conduct the assessment of existing content and functionality.

3. Assessment of All Existing Content and Functionality. The designated individual (and the qualified staff they oversee), approved by OCR will assess all content and functionality on the University’s website, including the home page and all subordinate pages and sites to identify any online content or functionality that is inaccessible to persons with disabilities. This assessment will include a representative sample of content and functionality on the University’s website developed by, maintained by, or offered through a third-party vendor or an open source and that constitutes a program, service, or activity of the University. The assessment will be conducted using the Benchmarks for Measuring Accessibility, unless the University receives prior permission from OCR to use a different standard as a benchmark. During the assessment, the University will seek input regarding the accessibility of its website from persons knowledgeable about website accessibility, including employees, students, and members of the public with disabilities.

Reporting: Within 180 calendar days of receiving OCR’s approval of the proposed individual designated to conduct the website accessibility assessment, the University will submit to OCR documentation of the steps taken by the designated individual during the assessment, a description of the outreach undertaken and the input received, and a detailed accounting of the results of the assessment.

4. Proposed Corrective Action Plan. Simultaneously with the submission of the assessment, the University will submit to OCR for its review and approval a proposed Corrective Action Plan to address all inaccessible content and functionality identified during the University’s assessment. The Corrective Action Plan will not address or include Legacy Pages however. “Legacy Pages” are defined as webpages that were published prior to January 1, 2014, and have not been edited, updated, or modified in any way since that date. In lieu of the Corrective Action Plan addressing Legacy Pages, the University agrees that if requested by a qualified individual with a disability, it will conform the Legacy Page to the Benchmarks for Measuring Accessibility or otherwise provide equally effective alternate access to the identified Legacy Pages. The proposed Corrective Action Plan will set out a detailed schedule for: 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.

Reporting:

- a) Within 30 calendar days of receiving OCR’s approval of the proposed Corrective Action Plan, the University will officially adopt and begin implementation of the Corrective Action Plan.
 - b) Within 90 calendar days of receiving OCR’s approval of the proposed Corrective Action Plan, the University 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.
5. Notice. Within 30 calendar days of the date of this agreement, the University will submit to OCR for review and approval a proposed Notice for its website to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to (or notify the University regarding) online information or functionality that is currently inaccessible. The proposed Notice will also include information about, or an accessible link to information about, how to file a formal grievance with the University pursuant to the requirements of Section 504 and Title II. Within 30 calendar days of receiving OCR’s approval of the proposed Notice, the University will officially adopt and publish the approved Notice by prominently posting the approved Notice on its home page and throughout its website (including all subordinate pages and sites).

Reporting. Within 15 calendar days of receiving OCR’s approval of the University’s proposed Notice, the University will provide documentation to OCR regarding the locations and content of its published Notice.

6. Training. Within 90 calendar days from the date of this agreement, the University will deliver website accessibility training to all appropriate employees. This includes, but is not limited to web developers, the webmaster, procurement officials, and all others with permissions for developing, loading, maintaining, or assessing web content and functionality. The training will include information about the University’s website accessibility policies and procedures as well as information about employees’ roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. During the monitoring of this agreement, the University will provide annual training for such employees about how to comply with the Benchmarks for Measuring Accessibility set forth above.

Reporting: By December 31, 2017, and annually thereafter until such time as OCR closes its monitoring of this agreement, the University will submit to OCR documentation that the training has been delivered. The documentation will include a list of invitees and attendees and their position titles, a description of the delivered training content, and the presenters’ credentials for providing such training.

7. Written Statement for Any Assertion of Undue Burden and Fundamental Alteration. For any technology-related provision in this agreement for which the University asserts an undue burden or fundamental alteration defense, such assertion may only be made by the University president or their designee. Any such designee must have budgetary authority after considering all resources available for use in the funding and operation of the service, program, or activity. If the University asserts either an undue burden or fundamental alteration defense, the University will provide a written statement of the reasons for reaching that conclusion, including the cost of meeting the provision, the available funding and other resources, and its plan for providing equally effective alternate access. To provide equally effective alternate access, alternatives are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person’s needs. The written statement will be certified by the president or designee.
8. The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. 104.4 and the regulations implementing Title II at 28 C.F.R. 35.130 and 35.160(a), which were at issue in this case.
9. The University also understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting provisions of this agreement. Further, the university understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff members, and request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the University has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. 104.4 and the regulations implementing Title II at 28 C.F.R. 35.130 and 35.160(a), which are at issue in this case. OCR will provide at least 14 calendar days of notice prior to any visit to the University or interview with a University staff member.
10. The University 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 and 100.10), or judicial proceedings to enforce this agreement, OCR shall give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/

May 25, 2017

Dr. Sabah Randhawa
President
Western Washington University

Date