



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

61 FORSYTH STREET, SW, SUITE 19T10  
ATLANTA, GA 30303-8927

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October 19, 2022

*By email only to: ua.president@alaska.edu*

Pat Pitney  
President  
University of Alaska System  
Butrovich Bldg., Ste 202  
2025 Yukon Drive  
P.O. Box 755000  
Fairbanks, AK 99775-5000

Re: OCR Docket No. 10-22-6001  
University of Alaska System

Dear President Pitney:

This letter is to advise you of the resolution of the compliance review that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated involving the University of Alaska System (University System). OCR investigated whether the University System'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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. §104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35. In addition, OCR investigated whether the University System 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 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 conducted an assessment of the University System's online programs, services, and activities and noted possible compliance concerns including, but not limited to:

- Users with disabilities who use computer keyboards for navigation due to a disability did not have access to all contents and functions.

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

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- Links were not meaningfully labeled or titled, posing a barrier to people with vision disabilities who use screen readers.
- The foreground and background colors of important content lacked sufficient contrast, posing a barrier to people with low vision.

On October 18, 2022, the University System signed the enclosed resolution agreement (Agreement) to voluntarily resolve the compliance review pursuant to Section 302 of OCR's *Case Processing Manual*.

Pursuant to the Agreement, the University System voluntarily agreed to adopt a widely-accepted accessibility standard and to prominently post a fully-accessible Notice on the University System's website describing how people with disabilities can inform the University System of any technology-based barriers to access they have encountered and how they can request access to the underlying University System program, service, or activity.

In its data response dated July 18, 2022, the University System reported that it has adopted WCAG 2.0, level AA. The University System also provided the location and content of its Notice, as well as protocols and timeframes for responding to reports of barriers. Based on the University System's submission, OCR has determined that the University System has met the requirements of actions items 1 and 2 of the enclosed Agreement.

OCR will monitor the implementation of the Agreement until the University System satisfies all of the terms of the Agreement.

This concludes OCR's compliance review. This letter should not be interpreted to address the University System'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 compliance review. 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, please contact me at (202) 987-1879 or Rhonda.Collins@ed.gov.

Sincerely,

/s/ Rhonda Collins

Rhonda Collins  
Attorney

Enclosure

*Courtesy copy by email only to:*

XXXXXX XXXXX  
Associate General Counsel  
XXXXXXXX@alaska.edu