



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION IV  
ALABAMA  
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GEORGIA  
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May 5, 2023

*By email only to: joyce.helens@gbcnv.edu*

Joyce Helens  
President  
Great Basin College  
1500 College Parkway  
Elko, Nevada 89801

Re: OCR Docket No. 10-23-2031  
Great Basin College, Nevada

Dear President Helens:

This letter is to advise you of the resolution of the complaint that the U.S. Department of Education, Office for Civil Rights (OCR) initiated involving Great Basin College (College). OCR investigated whether the College's online programs, services, and activities on two web pages listed in the complaint, the Veterans Resource Center page and the Accessibility Services for Students page, 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 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 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.

We note that OCR had worked with the College previously on the accessibility of its website and online programs, services, and activities, in the context of a directed investigation (OCR Docket No. 10-19-6911). During the course of that investigation, OCR had worked closely with College representatives on how to identify and remediate barriers to access for people with disabilities, including training them on how to conduct manual testing. The directed investigation was closed

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on April 22, 2021, after OCR determined the College was in compliance with Section 504 and Title II with respect to the issues investigated.

In the instant case, OCR conducted tests on December 7, 2022, March 1 and 9, 2023, and April 13 and 18, 2023, of the relevant pages and determined, as of the initial testing date, that there were some barriers to access for people with disabilities in online programs and activities on the relevant pages.

On January 11, 2023, OCR held a conference call with the College's Counsel, the Executive Director of Communications, and the Web Designer to inform the College of the barriers and discuss the College's commitment to provide its online programs, services, and activities to people with disabilities on a nondiscriminatory basis and to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others. The College expressed an interest in removing the identified barriers on the two pages in question to come into compliance with Section 504 and Title II. OCR conducted follow-up calls with the College on March 2 and 17, 2023, and April 11, 2023, to further discuss the remediation of identified barriers.

Through its testing of the pages at issue and OCR's communications with the College, OCR determined as of April 19, 2023, that the College had remediated all identified barriers on the web pages listed below, if any, which had previously impeded the ability of people with disabilities to access the College's online programs and activities:

- The Veterans Resource Center page (<https://www.gbcnv.edu/veterans/index.html>); and
- The Accessibility Services for Students page (<https://www.gbcnv.edu/disabilities/>).

OCR thanks the College for its remediation efforts on the pages tested by OCR. To memorialize its ongoing commitment to maintain the accessibility of its website and online programs, on May 3, 2023, the College signed the enclosed Agreement, voluntarily resolving the complaint investigation pursuant to Section 302 of OCR's Case Processing Manual. When fully implemented, the Agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the Agreement until the College is in compliance with the terms of the Agreement and the statutes and regulations at issue in the case.

This concludes OCR's complaint. 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 complaint. 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 Rhonda Collins at (202) 987-1879 or rhonda.collins@ed.gov.

Sincerely,

/s/ Judith Risch

Judith Risch  
Co-Lead, National Digital Accessibility Team

Enclosure

*Courtesy copy by email only to:*

XXXX X. XXXX  
Assistant General Counsel  
xxxxxx@unr.edu