

**RESOLUTION AGREEMENT**  
**Randolph College**  
**OCR Case No. 11-17-2464**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation into allegations that the Randolph College (the College) violated Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104. Specifically, the complainant alleged that the College's website contained barriers to access for people with disabilities, thereby denying them an equal opportunity to participate in the College's programs, services, and activities.

To ensure compliance with Section 504 and its implementing regulations and to resolve the issues of this investigation, the College voluntarily agrees to take the actions set forth below. By signing this Agreement, the College makes no admission of violation of Section 504 or its implementing regulation at 34 C.F.R. Part 104.

The agreement only covers the College's online programs, services, and activities regarding athletics (presently hosted at <http://randolphwildcats.com/>) (Athletics Site). OCR has reviewed the College's online programs and found insufficient evidence of discrimination aside from concerns regarding its Athletics Site.

Assurances of Nondiscrimination. The College hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the College'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 College'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 College's programs, services, and activities delivered online, as required by Section 504 and its implementing regulations.

#### Remedies and Reporting

- 1) By May 1, 2018, the College will identify and remediate all barriers to access to people with disabilities using the Athletics Site in accordance with the Benchmarks for Measuring Accessibility. If, on or before May 1, 2018, OCR confirms that all such barriers have been

removed, this Agreement will be terminated, the College will have no further obligations under this Agreement, and OCR's investigation of the College will be closed. If, however, after May 1, 2018, OCR determines that there are still barriers to access and so notifies the College, the College shall then be required to fulfill all the remaining terms of this Agreement as set forth in Section 2 and below.

- 2) Proposed Corrective Action Plan. If OCR notifies the College the site is not in compliance by May 1, 2018, as part of Item 1, thirty (30) calendar days of OCR notifying the College of non-compliance the will submit to OCR for its review and approval a proposed Corrective Action Plan to address all inaccessible content and functionality identified during the College's Audit. The proposed Corrective Action Plan will set out a detailed schedule for: (1) addressing problems, taking into account identified priorities, with all corrective actions to be completed within 3 months of the date OCR approved the Corrective Action Plan; (2) setting up systems of accountability and verifying claims of accessibility of the athletics website the accessibility of the Athletics Website online content and functionality on an ongoing basis.

Within 30 calendar days of receiving OCR's approval of the proposed Corrective Action Plan, the College will officially adopt and implement the Corrective Action Plan.

- a) Reporting: Within 15 calendar days of receiving OCR's approval of the proposed Corrective Action Plan, the College 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.
- 3) Notice. If OCR notifies the College the site is not in compliance by May 1, 2018 as part of Item 1, fifteen (15) calendar days from this notification from OCR, the College will prominently post on its home page notice that its website is in the process of being updated to ensure compliance with Section 504 of the Rehabilitation Act and that in the interim website accessibility concerns may be brought to the attention of **[INSERT name or title and contact information]**.

If OCR notifies the College the site is not in compliance by May 1, 2018 as part of Item 1, thirty (30) calendar days from this notification from OCR, the College will submit to OCR for review and approval a proposed Notice to persons with disabilities regarding how to request the webmaster or other appropriate person to provide access to (or notify the College regarding) online information or functionality that is currently inaccessible. The proposed Notice will also include information or an accessible link to information instructing people how to file formal grievances under Section 504. Within 10 calendar days of receiving OCR's approval of the proposed Notice, the College will officially adopt and prominently post the approved Notice on its Athletics Site.

Reporting:

- a) Within 10 calendar days of posting notice on its Athletics Site that the website is being updated to ensure compliance with Section 504, the College will provide verification of the posting.
  - b) Within 15 calendar days of receiving OCR’s approval of the College’s proposed Notice, the College will provide documentation to OCR regarding the locations and content of its published Notice.
- 4) Training. If OCR notifies the College the site is not in compliance by May 1, 2018 as part of Item 1, thirty (30) calendar days from this notification from OCR, and annually thereafter, the College will deliver website accessibility training to all appropriate personnel, including, but not limited to: content developers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality associated with its Athletics program.
- a) Reporting: On a quarterly basis, until such time as OCR closes the monitoring of this Agreement, the College will submit to OCR documentation that training has been delivered. The documentation will include a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters’ credentials for giving such training.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104.

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. Part 104, which were at issue in this case.

The College 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, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_ Date: 01/08/2018

Wesley Fugate  
 Vice President and Chief of Staff,  
 Secretary of the Board of Trustees