

University of Cincinnati
Resolution Agreement
OCR Compliance Review #15-13-6001

In order to resolve Case Number 15-13-6001, the University of Cincinnati (the University) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

A. Designation of Section 504/Title II Coordinator(s) and Notice of Nondiscrimination

Within 60 days of receipt of approval from OCR on a notice of nondiscrimination, but in no event earlier than December 31, 2014, the University will adopt and publish the notice of nondiscrimination, consistent with the requirements of the regulations implementing Section 504, at 34 C.F.R. § 104.8, and Title II, at 28 C.F.R. § 35.106, which will notify students, applicants, employees, and other relevant persons that it does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities. The notice will include the name and/or position/title, office address, telephone number, and electronic mail (email) address of the person designated to ensure the University's compliance with Section 504 and Title II. The notice will also state that the University does not discriminate on the basis of disability. The notice will be included in any recruitment materials or other publications containing general information that the University publishes and makes available to students, employees, applicants or others in written form or through the University's website. In addition, the notice will be in a readily available position(s) on the University's website, and accessible to those with impaired vision.

The University may comply with this action item by using the language set out in OCR's August 2010 publication, "Notice of Nondiscrimination." *See* <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

The notice may be combined with other required notices concerning non-discrimination based on sex, race, national origin, color, and age as described in that publication.

REPORTING REQUIREMENTS:

- By November 28, 2014, the University will submit to OCR for review and approval a draft notice of nondiscrimination consistent with Action Item A above. OCR will respond within 15 calendar days.
- Within 60 calendar days of OCR's approval of the notice of nondiscrimination, but in no event earlier than December 31, 2014, the University will publish the notice in any recruitment materials or other publications containing general information that the University publishes and makes available to students, employees, applicants or others in written form or through the University's website. Until the next date of regularly

scheduled reprinting of published materials, electronic means may be used to provide the required notice. In such a case, the University will also initially notify students, employees, and other relevant persons of the notice of nondiscrimination through other effective means, which might include mail, email, or other a similar form of notice. The University will submit documentation verifying publication and the initial notification (if applicable).

B. Website Accessibility

Definition of “Accessible”: “Accessible” means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. A person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

1. By March 31, 2015, the University will draft and submit to OCR for review and approval a policy to ensure information provided through the University’s website(s), online learning (or “e-learning”) environment, and course management systems (e.g. Blackboard) (collectively, “electronic and information technologies” or “EIT”), are accessible to students, prospective students, employees, guests, and visitors with disabilities, particularly those with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access information provided through its EIT (EIT Accessibility Policy). The EIT Accessibility Policy will, at minimum, accomplish the following:
 - a. identify and adopt the specific technical standard(s) the University will use to determine whether the EIT are accessible (e.g., Section 508 of the Rehabilitation Act (Section 508), 29 U.S.C. § 794d, W3C’s Web Content Accessibility Guidelines (WCAG), or other standard or combination of standards that will render EIT accessible);¹
 - b. designate at least one individual (EIT Accessibility Coordinator) and provide that individual with sufficient resources and authority to coordinate and implement the EIT Accessibility Policy, the implementation and remediation plan described below, and all other commitments relating to accessibility within this Agreement; and
 - c. inform students, prospective students, employees, guests, and visitors that they may report violations of the technical standard(s) used by the University, file a formal complaint through its Section 504 and Title II grievance procedure, and/or

¹ This Agreement does not imply that conformity with Section 508, WCAG, and/or other electronic and information technology standard is either required or sufficient to comply with the requirements of either Section 504 or Title II. The technical standard(s) serve only as guidance with respect to whether the EIT is accessible.

contact the EIT Accessibility Coordinator with any accessibility concerns. The EIT Accessibility Policy will include the name and/or title, office address and telephone number, and email address of the EIT Accessibility Coordinator.

REPORTING REQUIREMENT: By March 31, 2015, the University will provide for OCR’s review and approval the EIT Accessibility Policy drafted consistent with Action Item B(1) of the Agreement. OCR will respond within 60 calendar days.

2. By March 31, 2015, the University will draft and submit to OCR for review and approval an implementation and remediation plan (EIT Plan) to ensure adherence with its EIT Accessibility Policy. The EIT Plan will, at minimum, provide for:
 - a. an accessibility audit (EIT Audit) to be completed at regular intervals under the direction of the EIT Accessibility Coordinator, during which information provided by the University through its electronic and information technologies is measured against the technical standard(s) adopted in the EIT Accessibility Policy. All problems identified through the EIT Audit will be documented, evaluated, and, if necessary, remediated within a reasonable period of time;
 - b. a procedure to ensure that EIT and information obtained through EIT provided or developed by third parties is accessible. This procedure should direct administrators and staff to ensure that any University acquisition or use of EIT and third-party websites, services, or products will provide equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology; and
 - c. annual training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with EIT to students, employees, guests, and visitors with disabilities, including, but not limited to, training on the EIT Accessibility Policy, the EIT Plan, and their roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the University.

REPORTING REQUIREMENT: By March 31, 2015, the University will provide for OCR review and approval the EIT Plan drafted under Action Item B(2) of the Agreement. OCR will respond within 60 days.

3. Within 60 calendar days of OCR’s approval of the University’s EIT Accessibility Policy and the EIT Plan, but in no event earlier than June 30, 2015, the University will post the EIT Accessibility Policy and EIT Plan in a logical and readily identifiable location on its website and will provide notification of both to students, prospective students, employees, guests, and visitors. The notification will occur by written correspondence, email, and/or website notification and will further provide information of where the EIT

Accessibility Policy and EIT Plan are located on the University’s website and, alternatively, where individuals may request or obtain a copy of such documents.

REPORTING REQUIREMENT: Within 60 calendar days of OCR’s approval of the University’s EIT Accessibility Policy and the EIT Plan, but in no event earlier than June 30, 2015, the University will provide documentation to OCR verifying its implementation of Action Item B(3) of the Agreement, including a copy of the notification(s) and the URL (web address[es]) for the location of its EIT Accessibility Policy and EIT Plan.

4. Within 210 calendar days of OCR’s approval of the University’s EIT Accessibility Policy and the EIT Plan, but in no event earlier than November 30, 2015, develop and conduct training on how to ensure accessibility in web design and implementation. The training will be provided by qualified personnel, or through an online training program vetted by said qualified personnel, to all staff involved in web design and implementation, including professors and other instructors who develop content for on-line instruction and/or post material on course management page(s)/portal(s). The training will include, at a minimum, training on the EIT Accessibility Policy, the EIT Plan, and the roles and responsibilities of University staff to ensure that web design, documents, course content, and multimedia videos or content are accessible.

REPORTING REQUIREMENT: Within 210 calendar days of OCR’s approval of the University’s EIT Accessibility Policy and the EIT Plan, but in no event earlier than November 30, 2015, the University will provide to OCR the name(s) and credentials of the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials).

5. Within 120 calendar days of OCR’s approval of the University’s EIT Accessibility Policy and the EIT Plan, but in no event earlier than August 31, 2015, the University will complete an initial EIT Audit to examine whether information provided through EIT is currently accessible, considering any compliance concerns identified through the above-referenced review process and its own evaluation measured against the technical standard(s) adopted by the EIT Accessibility Policy. The EIT Audit will include a directive to University staff to review their assigned web courses and course management page(s)/portal(s) (e.g. Blackboard) for accessibility, including guidelines for the review, resources available to staff for assistance and answers to questions regarding accessibility, a reporting mechanism to identify concerns and revisions, and a timeline by which necessary revisions must be completed. The University will document the results of the EIT Audit and develop a corrective action strategy based on the audit findings that includes relevant timeframes for completion, with a completion date for the final items not to exceed June 30, 2017.

REPORTING REQUIREMENT: Within 120 calendar days of OCR’s approval of the University’s EIT Accessibility Policy and the EIT Plan, but in no event earlier than August 31, 2015, the University will provide to OCR for review and approval, a copy of its EIT

Audit report and corrective action strategy, including the timeline for implementation of the corrective action strategy. OCR will respond within 30 calendar days.

6. Within 30 days of OCR's approval of the corrective action strategy, including the timeline for implementation of the corrective action strategy, the University will begin implementation of the corrective action strategy to make its EIT accessible to individuals with disabilities, particularly students with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access the EIT. Should the University choose to provide the information and services in some manner different from that used to provide information and services to others, the method chosen must permit students with disabilities to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner, with substantially equivalent ease of use.

REPORTING REQUIREMENTS:

- By December 31, 2015, the University will submit documentation to OCR confirming implementation of the corrective action strategy consistent with established timeframes, including certification to OCR that its EIT meets the technical requirements adopted in the EIT Accessibility Policy, and every three months thereafter will submit an incremental progress report until completion. The certification may be obtained from a third-party web accessibility consultant or an employee of the University with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the University. The University will also provide to OCR the bases for this certification.
- By the June 15, 2016, 2017, and 2018, the University will provide a report to OCR describing its efforts for the 2015-2016, 2016-2017, and 2017-2018 academic years, respectively, to comply with its EIT Accessibility Policy and EIT Plan, including information documenting any compliance issues discovered through the monitoring, audits, or complaints and the actions taken to correct those issues.

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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.8, and 104.43, and Title II and its implementing regulation at 28 C.F.R. §§ 35.106, 35.130, and 35.160, which were at issue in this compliance review. The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that during the monitoring of this Agreement, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.8, and 104.43, and Title II and its implementing regulation at 28 C.F.R. §§ 35.106, 35.130, and 35.160, which were at issue in this compliance review. 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, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/ Eliza Rechul-Stone
President of the University of Cincinnati or Designee

December 8, 2014
Date

Eliza Rechul-Stone, Esq.
Assistant General Counsel
Assistant Contracting Officer