

Grand Valley State University
Resolution Agreement
OCR Docket #15-16-2195

Grand Valley State University (the University) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint related to accessible online content alleging violation 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.

The University enters into this Agreement consistent with its commitments to diversity and inclusion and without any admission that it violated any law. Additionally, at the time the University received the complaint in this matter, it had previously initiated a process to assess and enhance its web accessibility programs.

“Accessible,” as used in this Agreement, 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 receive the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

The University agrees to take the following actions:

1. Within 60 days of entering into this Agreement, the University will draft and submit to OCR for review and approval a policy and/or procedures to ensure information provided through the University’s website(s) (online content) is 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 (Web Accessibility Policy). The Web Accessibility Policy will accomplish the following:
 - a. identify and adopt the specific technical standard(s) the University will use to determine whether online content is accessible (e.g., W3C’s Web Content Accessibility Guidelines (WCAG), Web Accessibility Initiative - Accessible Rich Internet Applications Suite (WAI-ARIA), or other standard or combination of standards that will render online content accessible);¹
 - b. designate at least one individual (Web Accessibility Coordinator) and provide that individual with sufficient resources and authority to coordinate and implement the

¹ This Agreement does not imply that conformity with WCAG, WAI-ARIA 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 online content is accessible, though compliance with them shall establish compliance with this Agreement.

Web Accessibility Policy, and all other commitments relating to accessibility within this Agreement;

- c. provide a procedure to ensure that online content and information obtained through online content provided or developed by third parties is accessible. This procedure should direct administrators and staff to ensure that any University acquisition or use of online content provided or developed by third parties (e.g. vendors, video-sharing websites such as YouTube, other open sources) that the University chooses to make available on its website will provide equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology;
- d. annual job-appropriate training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content to students, employees, guests, and visitors with disabilities, including, but not limited to, training on the Web Accessibility Policy and their roles and responsibilities to ensure that web design, documents, and multimedia content are accessible or made accessible, as specifically needed. 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;
- e. an annual accessibility audit (Audit) under the direction of the Web Accessibility Coordinator, during which information provided by the University through its online content is measured against the technical standard(s) adopted in the Web Accessibility Policy. This annual audit will consist of a sampling of University developed URL's based on a reasonable determination of online content accessibility priorities. All problems identified through the Audit will be documented, evaluated, and, if necessary, remediated within a reasonable period of time; and
- f. inform students, prospective students, employees, guests, and visitors through its Web Accessibility Policy that they are encouraged to report any concerns with the accessibility of online content to the Web Accessibility Coordinator or through its Section 504 and Title II grievance procedure. The Web Accessibility Policy will include the name and/or title, office address and telephone number, and email address of the Web Accessibility Coordinator.

Reporting Requirement: Within 60 days of entering into this Agreement the University will provide for OCR's review and approval the Web Accessibility Policy drafted consistent with Item 1.

2. Within 60 calendar days of OCR's approval of the University's Web Accessibility Policy, the University will post the Web Accessibility Policy in a logical and readily identifiable location on its website and will provide notification to students, prospective students, employees, guests, and visitors through its website. The notification will further provide information on where the Web Accessibility Policy is located on the University's

website and, alternatively, where individuals may request or obtain a copy of such document.

Reporting Requirement: Within 60 calendar days of OCR’s approval of the University’s Web Accessibility Policy, the University will provide documentation to OCR verifying its implementation of Item 2, including a copy of the notification(s) and the URL (web address[es]) for the location of its Web Accessibility Policy.

3. Within 180 calendar days of OCR’s approval of the University’s Web Accessibility Policy, the University will complete an initial Audit to examine whether information provided through online content is currently accessible, measured against the technical standard(s) adopted by the Web Accessibility Policy. The University will document the results of the Audit and develop a corrective action strategy based on the audit findings that includes relevant timeframes for completion. When the results of the initial Audit are received and analyzed, the University will develop a corrective action strategy and work with OCR to establish a reasonable timetable to complete the corrective action strategy. The initial Audit and corrective action strategy will identify priorities for corrective action.

Reporting Requirement: Within 180 calendar days of OCR’s approval of the University’s Web Accessibility Policy, the University will provide to OCR for review and approval a copy of its Audit report and corrective action strategy, including the plan for implementation of the corrective action strategy, timeframes for completion, and the credentials of a third party web accessibility consultant or employee of the University with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the University that will be certifying (pursuant to Item 4 below) that the University’s online content meets the technical requirements adopted in the Web Accessibility Policy.

4. Within 30 calendar days of OCR’s approval of the corrective action strategy, including the corrective action strategy and timetable for implementation of the corrective action strategy and the credentials of the University’s consultant or responsible employee described above, the University will begin implementation of the corrective action strategy to make its public online content identified in the initial Audit accessible to individuals with disabilities.

Reporting Requirements: Within 180 calendar days of OCR’s approval of the corrective action strategy, the University will submit a report to OCR confirming implementation of the corrective action strategy consistent with the time frames for completion, including certification to OCR that its implementation of the Initial Audit meets the technical requirements adopted in the Web Accessibility Policy. The University will also provide to OCR the supporting documentation including copies of any accessibility evaluation or report and dates of correction actions.

- 5. Within 120 calendar days of OCR’s approval of the University’s Web Accessibility Policy, the University will develop and conduct job-appropriate 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 but not limited to administrators, teachers, staff, and volunteers who develop content for online instruction and/or post material on University webpage(s)/portal(s). The training will include, at a minimum, training on the Web Accessibility Policy and the job-appropriate roles and responsibilities of University staff to ensure that web design, documents, course content, and multimedia videos or content are accessible.

Reporting Requirement: Within 120 calendar days of OCR’s approval of the University’s Web Accessibility Policy, 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).

General Requirements

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, and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160, which were at issue in this complaint.

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 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, and Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160.

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 sixty (60) calendar days to cure the alleged breach.

_____/s_____
 President or Designee

_____3-13-2017_____
 Date

_____Xxxx xxxxx xxxxxx xxxx xxxxxx xxxxx_____
 Name and Title of Signatory