

**Ferris State University**  
**Kendall College of Art and Design**  
**Resolution Agreement**  
**OCR Docket #15-17-2088 and #15-17-2003**

Ferris State University (the University) and Kendall College of Art and Design (the College) voluntarily submit this Resolution Agreement (Agreement) to the U.S. Department of Education's Office for Civil Rights (OCR) for the purpose of resolving the above-referenced complaints 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.

“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 the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

The University and the College will determine whether the actions given below will be fulfilled by each entity separately or by the University and the College electing to submit combined standards, action plans, audits, etc.

The University and the College agree to take the following actions:

1. By February 1, 2018, the University/College will draft and submit to OCR for review and approval a policy and/or procedures to ensure that information provided through their websites (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, at minimum, accomplish the following:
  - a. identify and adopt the specific technical standard each 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] techniques for web content, or other standard or combination of standards that will render online content accessible);<sup>1</sup>

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<sup>1</sup> 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 online content is accessible.

- b. designate at least one individual (Web Accessibility Coordinator) and provide that individual with sufficient resources and authority to coordinate and implement the 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/College 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 each chooses to make available on its website will provide equal opportunity to access the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology;
- d. provide annual training for any staff members (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. 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/College;
- e. conduct an accessibility audit (Audit) of the University's and the College's websites (the first of which the University and the College have completed) to be thereafter completed at regular intervals under the direction of the Web Accessibility Coordinator, during which information provided by the University/College through their electronic and information technologies is measured against the technical standard(s) adopted in the Web Accessibility Policy. 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 that they may report violations of the technical standard(s) used by the University/College, file a formal complaint through their Section 504 and Title II grievance procedure, and/or contact a Web Accessibility Coordinator with any accessibility concerns. 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:** By February 1, 2018, the University/College will provide for OCR's review and approval the Web Accessibility Policy drafted consistent with Item 1 of this Agreement.

- 2. Within 60 calendar days of OCR's approval of the University's/College's Web Accessibility Policy, the University/College will post the Web Accessibility Policy in a logical and readily identifiable location on their websites and will provide notification 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 on the Web Accessibility Policy's location(s) on the website and, alternatively, where individuals may request or obtain a copy.

**Reporting Requirement:** Within 60 calendar days of OCR's approval of the University's/College's Web Accessibility Policy, the University/College will provide documentation to OCR verifying implementation of Item 2 of this agreement, including a copy of the notification and the URL (web address) for the location of the Web Accessibility Policy.

3. In the spring of 2017, on its own initiative, the University/College retained SSB Bart Group to conduct an initial Audit to examine whether information provided through online content is currently accessible, measured against W3C's Web Content Accessibility Guidelines
4. (WCAG) 2.0, level AA. The University/College has documented the results of the Audit and developed a corrective action strategy based on the audit findings that includes relevant timeframes for completion. The University/College will submit the Audit report and corrective action strategy to OCR for review and approval.

**Reporting Requirement:** Within 60 calendar days of execution of this agreement, the University/College will provide to OCR for review and approval, separately or combined, copies of the Audit report and corrective action strategy, including the timeline for implementation.

5. Within 30 calendar days of OCR's approval of the corrective action strategy, including the timeline for implementation and the credentials of the University's/College's consultant or responsible employee described above, the University/College will begin implementation of the corrective action strategy to make online content accessible to individuals with disabilities, particularly students with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access online content.

**Reporting Requirements:** Within 180 calendar days of OCR's approval of the corrective action strategy/strategies, the University/College will submit documentation to OCR confirming implementation consistent with established timeframes, including certification to OCR that online content meets the technical requirements adopted in the Web Accessibility Policy. The University/College will also provide to OCR the bases for this certification, including copies of any accessibility evaluation or report, dates of corrective actions, and copies of any reports from interim audits conducted pursuant to the Web Accessibility Plan.

6. Within 60 calendar days of OCR's approval of the University's/College's Web Accessibility Policy, the University/College will 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, but not limited to, administrators, teachers, staff, and volunteers who develop content for online instruction and/or post material on University/College webpages/portals. The training will include, at a minimum, training on the Web Accessibility Policy and the roles and responsibilities of

University/College staff to ensure that web design, documents, course content, and multimedia videos or content are accessible.

**Reporting Requirement:** Within 60 calendar days of OCR’s approval of the University’s/College’s Web Accessibility Policy, the University/College will provide to OCR the name and credentials of the individual 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 and College understand that, by signing this Agreement, they agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University and College understand that during the monitoring of this Agreement, if necessary, OCR may visit the University and College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University and College have fulfilled the terms of this Agreement and are in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.4 and Title II at 28 C.F.R. §§ 35.130 and 35.160. Upon completion of the obligations under this Agreement, OCR shall close this case.

The University and College understand and acknowledge 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 and College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University’s and College’s representatives below.

/s/	8-1-2017
_____	_____
President(s) or Designee(s)	Date
Kendall College of Art and Design	
/s/	8-2-2017
_____	_____
President(s) or Designee(s)	Date
Ferris State University	