

**Cleveland Public Library
Resolution Agreement
OCR Docket #15-18-4006**

The Cleveland Public Library (the Library) 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 alleging violation of 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 Library agrees to take the following actions:

1. By **July 1, 2018**, the Library will draft and submit to OCR for review and approval a policy and/or procedures to ensure information provided through the Library’s website(s) (online content) is accessible to Library users, employees, guests, and visitors with disabilities, particularly those with visual, print, hearing, and physical 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(s) the Library 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);¹
 - 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;

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 Title II. The technical standard(s) serve only as guidance with respect to whether the online content is accessible.

- c. provide a procedure to ensure that Library online content provided or developed by third parties is accessible to persons with disabilities. This procedure should direct administrators and staff to ensure that any Library acquisition or use of online content provided or developed by third parties and utilized by the Library (e.g. vendors, video-sharing websites such as YouTube, other open sources) that the Library chooses to make available on its website will provide persons with disabilities equal opportunity to the educational benefits and opportunities afforded by the third-party online content and equal treatment in the use of such third-party online content.
- d. annual training for any staff (e.g. administrators, employees) responsible for creating or distributing information with online content to Library users, 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 Library or through an online training program vetted by said qualified personnel;
- e. an accessibility audit (Audit) to be completed at regular intervals under the direction of the Web Accessibility Coordinator, during which information provided by the Library through its online content 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 Library users, administrators, employees, guests, and visitors that they may report violations of the technical standard(s) used by the Library, file a formal complaint through its Section 504 and Title II grievance procedure, and/or contact the 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 July 1, 2018, the Library 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 Library’s Web Accessibility Policy, the Library will post the Web Accessibility Policy in a logical and readily identifiable location on its website and will provide notification to Library users, administrators, employees, guests, and visitors. The notification will occur by website notification and will further provide information on where the Web Accessibility Policy is located on the Library’s website and, alternatively, where individuals may request or obtain a copy of such document.

Reporting Requirement: Within 90 calendar days of OCR’s approval of the Library’s Web Accessibility Policy, the Library 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 Library’s Web Accessibility Policy, the Library 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 Library will document the results of the Audit and develop a corrective action strategy based on the audit findings that includes relevant

timeframes for completion.

Reporting Requirement: Within 60 calendar days after completion of the initial Audit, the Library will provide to OCR for review and approval a copy of its Audit report and corrective action strategy, including the timeline for implementation of the corrective action strategy, and the credentials of a third party web accessibility consultant or employee of the Library with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the Library that will be certifying (pursuant to Item 4 below) that the Library'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 timeline for implementation of the corrective action strategy and the credentials of the Library's consultant or responsible employee described above, the Library will begin implementation of the corrective action strategy to make its online content accessible to individuals with disabilities, particularly Library users with vision, print, hearing, and physical impairments or who otherwise require the use of assistive technology to access the online content.

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

5. Within 180 calendar days of OCR's approval of the Library's Web Accessibility Policy, the Library 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, employees and volunteers who develop content for online instruction and/or post material on Library webpage(s)/portal(s). The training will include, at a minimum, training on the Web Accessibility Policy and the roles and responsibilities of each person in their designated role to ensure that web design, documents, and multimedia content are accessible.

Reporting Requirement: Within 30 calendar days of completion of the training required in paragraph 5 above, the Library 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 Library understands that, by signing this Agreement, it agrees to provide the information relevant to the monitoring of this Agreement by OCR in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Library understands that during the monitoring of this Agreement, if necessary, OCR may visit the Library, interview administrators and employees, and request such additional reports or data as are necessary for OCR to determine whether the Library has fulfilled the terms of this Agreement and is in compliance with Title II and its implementing regulation at 28 C.F.R. §§ 35.130 and 35.160,

which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR will close this complaint.

Without waiving any defenses or objections, the Library 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 Library written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effectively immediately upon the signature of the Library's representative below.

/s/

03/06/2018

Executive Director (CEO) or Designee

Date