



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

December 18, 2014

Santa J. Ono, Ph.D.
President
University of Cincinnati
Room 625, University Pavilion
P.O. Box 210063
Cincinnati, Ohio 45221-0063

Re: Case No. 15-13-6001
University of Cincinnati

Dear Dr. Ono:

This is to advise you of the resolution of the above-referenced compliance review that was initiated by the U.S. Department of Education, Office for Civil Rights (OCR), on May 6, 2013. OCR reviewed the accessibility of the University's website to persons with disabilities, particularly those with sensory impairments who might require the use of assistive technology to access the sites.

OCR initiated this review under Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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. These laws prohibit discrimination on the basis of disability in programs or activities receiving financial assistance from the U.S. Department of Education (the Department) and by certain public entities. As a recipient of financial assistance from the Department and as a public entity, the University is subject to Section 504 and Title II.

During the course of this investigation, OCR identified compliance violations relating to the designation of a Section 504 coordinator, the University's nondiscrimination notice, and the accessibility of particular pages on the University's website. Prior to the conclusion of OCR's investigation of the remaining issues in its review, the University expressed an interest in voluntarily resolving the investigation and entered into an agreement that commits the University to specific actions to address the issues under review. This letter summarizes the applicable legal standards, the information gathered during the investigation, and how the investigation was resolved.

Legal Standards

The regulation implementing Section 504, at 34 C.F.R. § 104.4, provides:

(a) *General.* No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability:

(i) Deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to persons or to any class of persons with disabilities unless such action is necessary to provide qualified persons with disabilities with aid, benefits, or services that are as effective as those provided to others;

(vii) Otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified persons with disabilities to discrimination on the basis of disability, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program or activity with respect to persons with disabilities, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

The regulation implementing Section 504, at 34 C.F.R. § 104.43, provides that no qualified student with a disability shall, on the basis of disability, “be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any...postsecondary program or activity....”

The regulation implementing Title II, at 28 C.F.R. § 35.130, has requirements similar to those in the regulation implementing Section 504. Additionally, the regulation implementing Title II has specific requirements for communication, which, in pertinent part, require that:

A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. 28 C.F.R. § 35.160(a)(1).

Entities subject to Title II are required to provide equally effective communication, regardless of the medium chosen for their communication. Communication by educational institutions includes the transfer of information and encompasses information conveyed through computer-related applications and online learning environments.

OCR and the U.S. Department of Justice, Civil Rights Division, issued a Dear Colleague Letter to college and university presidents on June 29, 2010 (June 2010 DCL). The letter states that requiring use of an emerging technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities—e.g., individuals with visual disabilities—is discrimination prohibited by Title II and Section 504 unless those individuals are provided accommodations or modifications that permit them to receive all of the educational benefits provided by the technology in an equally effective and equally integrated manner. Specifically, the June 2010 DCL explains that the educational institution must ensure that students with disabilities can access the educational opportunity and benefit with “substantially equivalent ease of use” as students without disabilities.

OCR issued another Dear Colleague Letter on May 26, 2011 (May 2011 DCL), along with a questions and answers document (FAQ), to provide further clarification regarding the June 2010 DCL. The FAQ clarifies that students with disabilities, especially visual impairments, are to be afforded “the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students.” The FAQ also clarifies that an accommodation or modification that is available only at certain times (such as an aide to read to the student) will not be considered “equally effective and equally integrated” where other students have access to the same information at any time and any location, as is the case with a website or other online content. The May 2011 DCL states that online programs are also covered and stresses the importance of planning to ensure accessibility from the outset.

While the May 2011 DCL and FAQ focus primarily on electronic book readers, the principles articulated in the documents apply to all forms of information technology. For instance, the FAQ cites as an example a school using a webmail system, stating that the system needs to be accessible to students through the use of screen reading technology. Ultimately, recipients and public entities must ensure equal access to the educational benefits and opportunities afforded by

the technology and equal treatment in the use of the technology for all students, including students with disabilities.

In addition, the regulation implementing Section 504, at 34 C.F.R. § 104.7(a), states that a recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with regulation; the regulation implementing Title II contains a similar provision at 28 C.F.R. § 35.107(a). The regulation implementing Section 504, at 34 C.F.R. § 104.8(a), provides that a recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of disability in violation of Section 504. The notification is required to state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program or activity. The notification must also include an identification of the responsible employee designated pursuant to 34 C.F.R. § 104.7(a). The regulation implementing Title II contains a similar notice requirement for public entities at 28 C.F.R. § 35.106. The regulation implementing Section 504, at 34 C.F.R. § 104.8(b), states that if a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include the notice of nondiscrimination in those materials or publications. The regulation implementing Title II contains a similar requirement at 28 C.F.R. § 35.106.

Overview of the University

The University of Cincinnati is a public university in southwestern Ohio with an enrollment for 2013-2014 of 42,656 students (main and regional campuses)¹. According to the Integrated Postsecondary Education Data System (IPEDS) website at nces.ed.gov, the University reported that in 2012 up to 3% of undergraduate students at its main campus and 5% of undergraduate students at the regional campuses were registered with the University's disability services office.

The University maintains an overall website that contains information for current students, faculty, staff, alumni, and visitors. The website includes information for prospective students with respect to submission of online applications for admission; as well as information concerning its academic program, athletics, library services, health services, faculty and student directories, and research. The University also utilizes course management software, Blackboard, which is a learning and communication system for course delivery and management.

In addition to the University's website, the University operates an online distance learning program, which includes peer-to-peer and faculty-student engagement via online postings and access to readings and exams. According to IPEDS, as of fall 2013, 9% of the University's undergraduate students enrolled at its main campus were educated solely online, through distance learning programs, as were 29% of its graduate students. Additionally, 22% of its other undergraduate students and 11% of its other graduate students received some of their education online. According to the University's August 2013 Student Fact Book, 4,458 (10%) of its 42,656

¹ <http://www.uc.edu/about.html>

students participated in its distance learning programs; 40.3% of participants were undergraduate students and 59.7% were graduate students.

Summary of Review

In its investigation, OCR reviewed documentation provided by the University, including the University's policies related to the creation of websites. OCR also interviewed staff directly involved in overseeing the University's website and working with students with disabilities. In addition, OCR attempted to contact students with visual and hearing disabilities who were registered with the University's disability services office for the 2011-2012 and/or 2012-2013 academic school years to obtain additional information; however, no students responded to OCR's attempts to contact them. OCR also reviewed a sampling of the University's webpages to determine whether the pages are accessible to users with disabilities through the use of assistive technology; including but not limited to the University's home page and pages related to admissions, financial aid, disability services, e-learning, library services, athletics, graduate programs, housing, and registration.

Information Obtained by OCR

Section 504/Title II Coordinator(s)

The University identified two Section 504/Title II coordinators, one for employees and one for students; however, OCR found no evidence that the University notifies students, employees, or others of the identity of these individuals (including their contact information) on its website or in other University material. In addition, the person that the University identified to OCR as the Section 504/Title II coordinator for employees appears to be no longer employed by the University. As of July 25, 2014, his regular staff position was listed as vacant on the University's website. Accordingly, OCR determined that the University is not in compliance with 34 C.F.R. §§ 104.7(a) and 104.8, or 28 C.F.R. §§ 35.106 and 35.107(a).

Nondiscrimination Notice

The University provided OCR with a link to its notice of nondiscrimination on its website. This notice was posted to the University's website as a Portable Document Format (PDF),² reachable via the University Trustees' webpage; it is not clear how a student, staff member, or member of the general public could easily find the notice using links from the main webpage. As noted below, PDF format also tends to be inaccessible to persons with disabilities who use software to access digital information.

OCR further reviewed the University's website to determine whether the University included this notice of nondiscrimination in recruitment materials or publications on the website containing general information that it makes available to students, applicants, employees, or the general public. OCR found a similar notice of nondiscrimination statement in an online student handbook for graduate students but otherwise found that many University materials and

² PDF is a computer file format for the transmission of a multimedia document that permits exchange of files between computer systems while maintaining original formatting, graphics, etc..

publications did not include the nondiscrimination notice, such as the main webpages for the University's human resources and admissions offices. OCR noted that the webpage of the University's Office of Equal Opportunity & Access did not include the University's notice of nondiscrimination; instead, it provided a link to the U.S. Department of Agriculture's notice of nondiscrimination. Accordingly, OCR determined that the University is not in compliance with 34 C.F.R. §§ 104.8, or 28 C.F.R. §§ 35.106.

Web-Accessibility Policies and Training

The University has adopted a "Web Policy," which is available online through its "Governmental Relations and University Communications" webpage. The Web Policy includes a subsection entitled "Accessibility". The University's Web Policy directs users to follow the accessibility guidelines set forth in Section 508 of the Rehabilitation Act (Section 508), 29 U.S.C. § 794d, as amended, and the World Wide Web Consortium (W3C)'s Web Content Accessibility Guidelines (WCAG; jointly, the "accessibility standards").³ Questions regarding the policy are directed to the "E-Communications Planning Committee."

Also available through the University's Governmental Relations and University Communications webpage, under a heading labeled "Digital Communications," is a webpage entitled "Accessibility". Within the same "Accessibility" subheading on the Governmental Relations and University Communications website, there are two additional pages entitled "Resources" and "Laws." University witnesses said that the policies and the Governmental Relations and University Communications accessibility page are targeted more toward the University's 600 "web users"/"content editors" and not general faculty or students. According to University witnesses, the University does not provide training on web accessibility to all faculty and staff. Similarly, the University does not appear to provide web accessibility training to staff specifically tasked with enforcing and/or troubleshooting web accessibility issues. University witnesses stated that the University's 600 web users must go through training on the University's web platform, which includes a portion on accessibility; however, the training does not cover accessibility issues in depth.

OCR's investigation revealed that while staff has access to the web accessibility policies online, there is no formal University process to ensure faculty and staff comply with the policies. The University does not strictly enforce its policies regarding accessibility in the creation of University websites. Although the University discourages it, staff members can bypass the web users to make their own, decentralized websites. The University has a web applications analyst who is responsible for programming features and components used in the University's web content management system, implementing web design requests, managing the University's Google engine, and working on templates that serve as the backbone for the University's web pages. The web analyst stated, however, that few University web pages are submitted to his department before they are launched.

³ Conforming to Section 508, WCAG, or other accessibility standards used to evaluate digital information access does not ensure compliance with Section 504 or Title II. Use of such standards may, however, assist institutions by serving as a guide to help assess whether individuals with disabilities can receive all the benefits provided by technology in an equally effective and equally integrated manner.

The information obtained by OCR does not support that University faculty as a whole is provided any notice of the web accessibility requirements and/or resources described on the Governmental Relations and University Communications website.

OCR also received no information to indicate that the University has any policies or procedures in place concerning the purchase of technology and/or its compatibility with assistive technology. One administrator told OCR that the University's information technology staff reviews the Voluntary Product Accessibility Template (Template) before purchasing technology. The Template is a report generated by most vendors based on their own testing of their software's compatibility with assistive technology. However, OCR's investigation did not reveal any formal University procedure that is to be used when procuring software in order to ensure compatibility with assistive technology.

OCR obtained no information to indicate that the University provides any information regarding web accessibility directly to its students. In addition, OCR could not identify any links to such information on the University's Disability Services webpage.

Blackboard

The University does not appear to have any policies or procedures related to the creation, modification, and editing of course management systems such as Blackboard to ensure that these are accessible to persons with disabilities. One administrator said faculty has a large amount of "academic freedom" to print their course materials, place them on the web, or put them on Blackboard. Faculty is not expected to know how to update content so that it is accessible to everyone, although the University encourages professors to upload files in ".doc" or ".docx" format and not in PDF format. The administrator noted that Blackboard templates used by faculty are proactively tested for accessibility issues by simulating certain disabilities and testing software compatibility with assistive technology. The University's e-learning division, housed within the University's information technology department, is responsible for the support, installation, and maintenance of the University's e-learning system. This division recently rolled out the new version of Blackboard to the University community. The Template for the new version notes key improvements for accessibility and includes an "accessibility" page within the platform that provides points of contact for users.

Distance Learning Program

The University indicated that distance learning faculty and staff would be receiving training on web accessibility; however, the University did not provide a schedule or copies of the materials to be used. The University indicated that its disability services office works with professors if they have a concern about a student with a disability. The disability services office trains University faculty and staff on Read&Write Gold text-to-speech software and how to give tutorials to students, but there is no direct training on website and web content accessibility from the disability services office. University disability services staff members do not have expertise on web accessibility. Prior to the resolution of the review, OCR was unable to conduct a detailed evaluation of the University's online learning environment due to technical issues related to the password-protected nature of the environment. For example, OCR was not able to view pages

that faculty and students use for coursework, course management, or online testing. Prior to seeking access to these environments to complete the investigation, the University expressed an interest in resolving the compliance review without further investigation; including any issues related to the accessibility of these environments.

Website Accessibility

Information obtained from the University conflicted as to whether the University has a system in place to monitor whether material available on its website is compatible with assistive technology. One witness mentioned a “programmatically enforced” program within the University’s web content management system that will not allow a user to activate a website if it has missing “alt tags” (image captions for screen readers) or blank links (links that do not lead anywhere). However, he said the program does not always work correctly; therefore, users need to be aware of potential accessibility issues. The University’s e-learning office indicated that University websites are tested only in response to complaints.

OCR learned that the University has an adaptive technology lab in the library. OCR reviewed the library’s website, which provides information regarding space and equipment available for use by University students, faculty, staff, and non-University users. The website indicates that the lab features include JAWS screen reading software, Dragon NaturallySpeaking speech-to-text software, text enlarging software, and large screen monitors. It notes that the purpose of the facility is “[t]o ensure all patrons have full and equal access to all library resources” The e-learning office indicated to OCR that the University was testing Blackboard for accessibility issues in this lab.

During the investigation, OCR and the Department’s Technology Team reviewed a sampling of pages on the University’s website to determine whether these are accessible to users through assistive technology; specifically, whether the website permits students with disabilities to receive all University educational benefits provided by technology in an equally effective and equally integrated manner as students without disabilities.

OCR began its preliminary review of the University’s website in February 2014. OCR selected a representative sampling of webpages for evaluation, using the following criteria to make selections: (a) web pages through which people are most likely to enter the website (e.g., the homepage) and (b) web pages most likely to garner the most traffic from its visitors and/or provide the most important information regarding the University’s program; such as information pertaining to admissions, curriculum requirements, student handbook/code of conduct, services, and extra-curricular activities. The Technology Team reviewed and evaluated these University webpages for accessibility, using Section 508 standards as guidelines. OCR identified a number of technical deficiencies, including but not limited to the following:

- lack of alternative text on all images;
- documents not posted in an accessible format;
- lack of captions on all videos and the inability to operate video controls using assistive technology;
- improperly structured data tables;

- improperly formatted and labeled form fields; and
- improper contrast between background and foreground colors.

The identified deficiencies are discussed in more detail below.

1. Lack of alternative text on images

People who are blind, those with low vision, and people with other disabilities that affect their ability to read a computer display often use assistive technology so they can access the information displayed on a webpage. Two commonly used technologies are screen reading software and refreshable Braille displays. These assistive technologies read text and produce audio or tactile versions of text that can be accessed by those with vision-related disabilities, but they cannot translate images into speech or Braille, even if words appear in the images. For example, these technologies cannot interpret a photograph of a stop sign, even if the word “stop” appears in the image. Because screen readers and refreshable Braille displays read only text, such assistive technology cannot interpret photographs, charts, color-coded information, or other graphic elements on a webpage.

OCR’s review of the University’s website demonstrates that the website uses many images without providing a text equivalent, rendering some content inaccessible to screen readers, non-visual browsers, and Braille readers; thus, these are inaccessible to persons with disabilities who rely on such assistive technology to access web content. For example, numerous images on the University’s admissions page do not contain text equivalents, including images on the page that allow students to schedule a campus visit online.

2. Documents not posted in an accessible format

PDF documents, or those in other image-based formats, are often not accessible to people who are blind and who use screen readers and to people with low vision who use text enlargement programs or different color and font settings to read computer displays. The University posts numerous documents on its website in PDF format. PDFs encountered during OCR’s review of the University’s website had multiple accessibility issues, including not being properly tagged in order for the document to be accessible.⁴ For example, a PDF available through the University’s Disability Services webpage entitled “Disability Services Office Documentation Guidelines” was not properly tagged; thus, a person using screen reading software would not be able to identify that document.

3. Lack of captions on videos and inability to operate video controls using assistive technology

Captioning for the audio portion of a video is important, as individuals who are deaf or hard of hearing may not be able to hear the auditory content. Synchronized captioning is also necessary so that a person reading captions can watch the speakers on a video and associate relevant body

⁴ PDF tags provide a hidden structured, textual representation of the PDF content that is presented so that screen reading software can access that information for persons with disabilities. Tags exist for accessibility purposes only and have no visible effect on the PDF file to those not using assistive technology

language and actions with the speech. Individuals who are blind or have low vision may require audio descriptions to access the visual information in multimedia. Audio descriptions are verbal descriptions of the actions and images in a video that are inserted during pauses in the regular dialogue or audio track. Audio descriptions are necessary if significant information that is presented visually is not discernible from the dialogue or audio track.

Numerous videos on the University's website lack captions and audio descriptions. For example, a video posted to the University's "UC Magazine" page concerning the University library system does not include such captions or audio descriptions; thus, users who are deaf or hard of hearing may be unable to access information conveyed verbally, and users who are blind or have low vision may be unable to discern what is happening that is not indicated in dialogue. Also, "control panels" on many of the videos on the University's website, including the specific library video referenced above, become visible only when a user's mouse hovers over the area at the bottom of the video. This causes concern, because keyboard users cannot see/interact with such controls. Furthermore, the buttons on the controls are not properly identified so that these can be controlled by assistive technology users.

4. Improperly structured data tables

The purpose of data tables is to present information in a grid, or matrix, and to have columns or rows that clarify the relationship between types of information in the grid. When screen readers read straight through data tables—especially large ones—it is easy for users to get lost. In order for a data table to be appropriately accessible, the table must have the proper markup designation in HyperText Markup Language (HTML). When the proper HTML markup is in place, users of screen readers can navigate through data tables one cell at a time, and they will hear the column and row headers spoken to them so that the information and relationship of information in the various columns and rows are understandable.

The tables encountered during OCR's review of the University's website were not properly marked up; therefore, table formatting will prevent assistive technology from reading and interacting with them correctly. Examples of improperly structured tables were found on the University's admissions and "Calendars & Events" web pages.

5. Improperly formatted and labeled form fields

When electronic forms are designed to be completed online, the form should allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues. Electronic forms pose accessibility problems when web developers separate a form element from its associated label or title. For instance, if an input box is intended for receiving a user's last name, the web developer must be careful that the words "last name" (or some similar text) are somehow associated with the input box; otherwise, a person using assistive technology will not be able to tell what information should be typed in the box. Mere visual proximity of a form element and its title offers no guarantee that a screen reader will associate the two or that this association will be obvious to a user of assistive technology.

The forms encountered during OCR's review of the University's website were not properly marked up; therefore, the forms will prevent assistive technology from reading and interacting with them correctly. Examples of such forms were found on University pages designed to allow individuals to allow access to University "Testing Services" and to post to the University calendar.

6. Improper contrast between background and foreground colors

Many people with low vision do not see webpages in the same way as do people without low vision. Some can see only small portions of a computer display at one time. Others cannot see or understand text or images that are too small for them to perceive or interpret. Still others can see website content only if it appears in specific colors. For these reasons, many people with low vision use specific color and font settings when they access the Internet—settings that are often very different from those other people use. For example, many people with low vision need to use high contrast settings, such as bold white or yellow letters on a black background. Others need just the opposite—bold black text on a white or yellow background. Many must use softer, more subtle color combinations. Users, therefore, need to be able to manipulate color and font settings in their web browsers and operating systems in order to make pages readable for themselves. OCR identified multiple pages on the University's website, including the University's home page and Disability Services page, where the colors chosen are in a range that makes reading or interacting with parts of the site difficult or impossible for users with low vision or those who cannot see color.

7. Other website accessibility concerns

Other technical deficiencies impacting the ease of use and/or access to content located on the University's website include scripting (computer programming) language in dropdown menus that is not identified with functional text. When web page authors do not put functional text with a script, a screen reader will often read the content of the script itself as a meaningless jumble of numbers and letters. Although this jumble is text, it cannot be interpreted or used. The University's website also lacks a method for skipping repetitive navigation links on many University pages, which can decrease efficiency and usability for keyboard users and those using screen reading software.

Based on the above, OCR determined that the University was in violation of the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.43, and Title II, at 28 C.F.R. §§ 35.130 and 35.160(a)(1) with respect to the web pages analyzed. Information received to date also indicates that a number of other pages on the University's website may not be accessible to persons with disabilities and that the University's policy relating to web access may not be adequate to ensure access for persons with disabilities.

Summary of Identified Violations and Resolution Agreement

As noted above, OCR identified violations of the regulations implementing Section 504 and Title II with respect to the designation and notice of a coordinator(s), 34 C.F.R. § 104.7(a) and 28 C.F.R. § 35.107(a), and the required notice of nondiscrimination, 34 C.F.R. § 104.8 and

28 C.F.R. § 35.106. OCR also identified violations of the regulations implementing Section 504 and Title II with respect to the content from the University's website that OCR analyzed, including denying qualified persons with disabilities the opportunity to participate in or benefit from its online learning environment, affording such persons an opportunity to participate in or benefit from that environment that is not equal to that afforded to others, providing such persons with benefits or services through its online learning environment that are not as effective as those provided to others, and failing to take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others, 34 C.F.R. § 104.4(b), 34 C.R.R. § 104.43, and 28 C.F.R. § 35.160(a).

Prior to the completion of OCR's investigation, the University expressed interest in resolving these violations and other possible compliance concerns without further investigation. On December 8, 2014, the University agreed to implement the enclosed resolution agreement to resolve the compliance review. In the resolution agreement, the University committed to developing and publishing an appropriate notice of nondiscrimination, as well as to designating one or more persons to coordinate its efforts to comply with Section 504 and Title II and to identifying that person(s) in its notice of nondiscrimination. The University will also develop, adopt, and provide notice of a web accessibility policy and an implementation and remediation plan to ensure adherence to the policy; provide training to staff responsible for webpage and content development, including faculty as appropriate; review its website and e-learning platform(s) to identify and ameliorate any accessibility problems, as well as to put in place mechanisms to ensure that the sites continue to be accessible (i.e. conduct an electronic and information technologies audit); provide certification from a third-party web accessibility consultant or an employee of the University with sufficient knowledge, skill, and experience that the University's electronic and information technologies meet the technical standard(s) adopted by the University; and provide OCR with reports describing its efforts for multiple subsequent academic years to comply with its web accessibility policy and plan, including information documenting any compliance issues discovered through the monitoring, audits, or complaints and the actions taken to correct those issues.

Based on the commitments the University has made in the resolution agreement described above, OCR has determined that it is appropriate to close the investigative phase of this review.

This letter should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR investigation. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has participated in the compliance review resolution process. If this happens, that person may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR greatly appreciates the ongoing cooperation received from the University during the investigation and resolution of this case. If you have any questions regarding the resolution of this compliance review, please contact Karla K. Ussery, Review Leader, at (216) 522-2683 or by e-mail at Karla.Ussery@ed.gov. Ms. Ussery will also be monitoring the University's implementation of the agreement. Should you choose to submit future monitoring reports electronically, please send them to OCRCleMonitoringReports@ed.gov.

Sincerely,

/s/

Meena Morey Chandra
Director

Enclosure

cc: Kenya Mann Faulkner, Vice President for Legal Affairs and General Counsel