

Washtenaw Community College
Resolution Agreement
OCR Docket #15-16-2142

Washtenaw Community College (the College) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above-referenced complaint and to ensure the College's compliance with 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 College makes no admission of liability by entering into this agreement. The College agrees to take the action steps identified below to ensure the accessibility of the College's website.

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.

Action Steps

1. By November 30, 2016, the College will draft and submit to OCR for review and approval a policy to ensure information provided through the College's website(s) (including its online learning environment and course management systems, e.g., Blackboard) 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 the website (Website Accessibility Policy or WAP). The WAP will, at minimum, accomplish the following:
 - a. Identify and adopt the specific technical standard(s) the College will use to determine whether the website is 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 the website accessible).¹
 - b. Designate at least one individual (Website Accessibility Coordinator) and provide that individual with sufficient resources and authority to coordinate and implement the WAP, the implementation and remediation plan described below, and all other commitments relating to accessibility within this Agreement.

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 website is accessible.

- c. Inform students, prospective students, employees, guests, and visitors that they may report violations of the technical standard(s) used by the College, file a formal complaint through its Section 504 and Title II grievance procedure, and/or contact the Website Accessibility Coordinator with any accessibility concerns. The WAP will include the name and/or title, office address and telephone number, and email address of the Website Accessibility Coordinator.

Reporting Requirement: By November 30, 2016, the College will provide for OCR review and approval the WAP drafted consistent with Action Step 1 of the Agreement.

2. By November 30, 2016, the College will draft and submit to OCR, for review and approval, an implementation and remediation plan (the implementation plan) to ensure adherence with its WAP. The implementation plan will, at minimum, provide for:
 - a. An accessibility audit (website audit) to be completed at regular intervals under the direction of the Website Accessibility Coordinator, during which information provided by the College through its electronic and information technologies is measured against the technical standard(s) adopted in the WAP. All problems identified through the website audit will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.
 - b. A procedure to ensure that the website is accessible. This procedure should direct administrators and staff to ensure that any College use of the website will provide equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.
 - c. Annual training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with the website to students, employees, guests, and visitors with disabilities, including, but not limited to, training on the WAP, the implementation 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 College.

Reporting Requirement: By November 30, 2016, the College will provide for OCR review and approval the implementation plan drafted under Action Step 2 of the Agreement.

3. Within 60 calendar days of OCR's approval of the College's WAP and the implementation plan, the College will post the WAP and implementation 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, e-mail, and/or website notification and will further provide information of where the WAP and implementation plan are located on the

College'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 College's WAP and the implementation plan, the College will provide documentation to OCR verifying its implementation of Action Step 3 of the Agreement, including a copy of the notification(s) and the URL (web address[es]) for the location of its WAP and the implementation plan.

4. By August 30, 2017, the College will develop and conduct training on how to ensure accessibility in web design and implementation consistent with the College's WAP and the implementation plan. 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 WAP, the implementation plan, and the roles and responsibilities of College staff to ensure that web design, documents, course content, and multimedia videos or content are accessible.

Reporting Requirement: By August 30, 2017, the College 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. By November 30, 2017, the College will complete an initial website audit to examine whether information provided through the website 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 WAP. The website audit will include a directive to College staff to review their assigned web pages 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 College will document the results of the website 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, 2018.

Reporting Requirement: By December 31, 2017, the College will provide to OCR for review and approval a copy of its website audit report and corrective action strategy, including the timeline for implementation of the corrective action strategy.

6. The College will implement the OCR approved corrective action strategy identified in Action Step 5 above no later than June 30, 2018 to make its website 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 website. Should the College 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 August 31, 2018, the College will submit documentation to OCR confirming implementation of the corrective action strategy consistent with established timeframes, including certification to OCR that its website meets the technical requirements adopted in the WAP, 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 College with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the College. The College will also provide to OCR the bases for this certification.

By September 30, 2018, the College will provide a report to OCR describing its efforts for the 2017-2018 academic year to comply with its WAP and implementation plan, including information documenting any compliance issues discovered through the monitoring, audits, or complaints and the actions taken to correct those issues.

General Requirements

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College 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 College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College 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 College 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 College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

9/16/16

Rose B. Bellanca, President
Washtenaw Community College

Date