UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

AUG 0 3 2017

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Michael H. Schill
President
University of Oregon
Office of the President
1226 University of Oregon
Eugene, Oregon 97403-1226

RECEIVED
AUG 10 2017
UO GENERAL COUNSEL

Re: University of Oregon
OCR Reference No. 10172136

Dear President Shepard:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against the University of Oregon (university). The complaint alleges that the university is discriminating, on the basis of disability, because certain pages on its website are not accessible to persons with disabilities. These web pages include the following:

- Homepage at http://uoregon.edu,
- Admissions and Financial Aid at http://uoregon.edu/admissions-and-financial-aid,
- Aid and Scholarships at http://financialaid.uoregon.edu,
- Future Ducks at http://financialaid.uoregon.edu/prospective_students,
- Grants at http://financialaid.uoregon.edu/grants,
- Perkins Loans at https://ba.uoregon.edu/content/perkins-loans,
- Academics at http://uoregon.edu/academics,
- Information in Espanol at http://admissions.uoregon.edu/espanol,
- Research at http://uoregon.edu/research,
- A-Z Index at http://uoregon.edu/azindex,
- Campus and Community Resources at http://aec.uoregon.edu/content/campus-and-community-resources-0,
- UO Libraries at http://library.uoregon.edu, and
- Facebook at https://www.facebook.com/uolibraries.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), and that statute's implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities of recipients of federal financial assistance. With regard to

the operation of public institutions of higher education, OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II), and that statute's implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability in programs, services, and activities of public entities.[1] As a recipient of financial assistance from the Department and a public entity, the university is required to comply with these federal civil rights laws. More information about the laws enforced by OCR may be found on OCR's website at www.ed.gov/ocr.

OCR accepted the complaint for resolution because the allegation raises possible violations of Section 504 and Title II. OCR's acceptance of the complaint does not reflect an opinion by OCR regarding the merits of the allegation or the university's compliance with federal civil rights laws. OCR will address the complaint in a fair and impartial manner consistent with regulatory requirements and OCR's *Case Processing Manual*.[2] Enclosed with this letter is additional information about OCR's case processing procedures.

In resolving this complaint, OCR will resolve the following issues.

1. Whether, through its website, the university, on the basis of disability, is excluding qualified persons with disabilities from participating in, denying them the benefits of, or otherwise subjecting them to discrimination in its programs, activities, aids, benefits, or services, in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.4 and the Title II implementing regulation at 28 C.F.R. § 35.130.

2. Whether, through its website, the university is failing to take appropriate steps to ensure that its communications with applicants, participants, companions, and other members of the public with disabilities are as effective as its communications with others, in violation of the Title II implementing regulation at 28 C.F.R. § 35.160(a).

Complaint allegations may be resolved in a variety of ways, including:

- an OCR-facilitated resolution between the university and the complainant (Early Complaint Resolution);

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[1] Title II has similar requirements as those of Section 504. Violations of Section 504 that result from a covered entity's failure to meet its Section 504 obligations also constitute a violation of Title II. To the extent that Title II provides greater protection than Section 504, a covered entity must also comply with Title II requirements.

[2] OCR's *Case Processing Manual* may be found on OCR's website at www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf.

- a voluntary written agreement in which the university agrees to take remedial actions that OCR determines fully resolve the allegation consistent with applicable legal standards; or

- an investigation by OCR, resulting in findings and a determination about whether the university is in compliance with applicable legal standards and, in the event noncompliance is found, a written agreement is entered into in which the university commits to take specific steps to comply with applicable laws.

As part of OCR's resolution of the complaint, OCR requests that the university provide certain documents and information to OCR. OCR is authorized to obtain documents and information from the university by the Section 504 implementing regulation at 34 C.F.R. § 104.61 and by the Title II implementing regulation at 28 C.F.R. § 35.171(a)(3)(i). OCR is authorized to access information that may otherwise be protected as private or confidential by the Department's regulations at 34 C.F.R. §§ 99.31(a)(3)(iii) and 99.35(a)(1). Please provide me with the following documents and information by August 18, 2017:

1. all policies and procedures relating to the creation, modification, and editing of the university's website, especially as they relate to the accessibility of the website for people with disabilities, and if the university's policies and procedures refer to any web accessibility standards such as the Section 508 Standards or the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG), or other standards, identify those in the response;

2. the identity of any vendors used to design, develop, and maintain the content and functionality of the university's website and, whether the vendors have provided the university with a VPAT (voluntary product accessibility template) or other assurances that their services and products will help the university meet its underlying Section 504 and Title II responsibilities and a description of any such assurances;

3. the names, titles, and contact information of the individuals most knowledgeable about the accessibility of the content and functionality of the university's website;

4. copies of any and all documents, including, but not limited to, e-mails, correspondence, memoranda, database entries, telephone and text messages, meeting minutes, videos, and notes, regarding efforts to make the university's website accessible to persons with disabilities;

5. copies of all self-studies and/or monitoring reports the university has used to evaluate or monitor its website's accessibility for persons with disabilities;

6. copies of any complaints, grievances, or comments received within the last 3 years pertaining to the accessibility of the university's website to persons with disabilities (or a particular person with a disability), including a detailed description of how such matters were resolved;

7. the university's response to the allegation; and

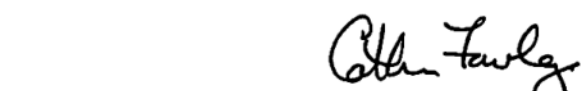
8. any other documentation or narrative explanation the university would like OCR to consider in its resolution of this complaint, including the identification of relevant witnesses (for each individual identified, provide a name, position title, contact information, and relevance to resolution of the complaint).

In each instance where a policy is requested but a written policy on the matter at issue does not exist, please provide instead an explanation of the usual practice. To the extent that any responsive documents or information are published on the university's publicly-accessible website, the response may consist of the exact web address where the relevant information is located. To the extent that other documents or information are available in electronic format, please provide them electronically, either via e-mail or compact disc. To the extent possible, please refrain from using staples when submitting paper copies.

Please provide me with the name and contact information for the university's designated representative to OCR during the resolution of this complaint.

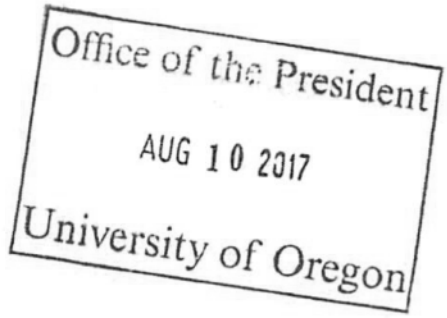
OCR is committed to resolving complaints as promptly as possible. I am the attorney assigned to the resolution of this complaint and will contact you or the university's designated representative shortly to discuss this complaint and OCR's complaint resolution processes. In the meantime, if you have any questions, please contact me by telephone at (206) 607-1609 or by e-mail at catherine.fawley@ed.gov.

Sincerely,



Catherine Fawley
Attorney

Enclosure


Office of the President
AUG 10 2017
University of Oregon

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MAR 2 9 2018

Office of the President
APR 03 2018
University of Oregon

Michael H. Schill
President
University of Oregon
Office of the President
1226 University of Oregon
Eugene, Oregon 97403-1226

Re: University of Oregon
OCR Reference No. 10172136

Dear President Shepard:

On August 3, 2017, the U.S. Department of Education, Office for Civil Rights (OCR) informed you that it would investigate the above-referenced complaint filed against the University of Oregon (the university). The complainant alleged that the university discriminated, on the basis of disability, because certain pages on the university's website are not accessible to persons with disabilities.

Pursuant to OCR's Case Processing Manual (CPM), Section 108(t), which was recently revised effective March 5, 2018, OCR will dismiss a complaint that is a continuation of a pattern of complaints previously filed with OCR by an individual or group against multiple recipients or a complaint filed for the first time against multiple recipients that, viewed as a whole, places an unreasonable burden on OCR's resources. OCR determined that this section of the CPM applies to the above-referenced complaint. Accordingly, OCR has dismissed this complaint as of the date of this letter.

Pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, the university must ensure that individuals with disabilities have an equal opportunity to participate in the university's programs and activities offered through the university's website or equally effective alternate access. Please be advised that although OCR is dismissing this complaint, the university continues to have an obligation to comply with these requirements with regard to its website; at a later date OCR may consider conducting a compliance review or directed investigation of the university to assess its compliance in this regard.

OCR offers technical assistance to assist the university in addressing compliance with the laws and regulations applicable to the issue raised in the complaint. Please contact the staff member listed below if you are interested in OCR's technical assistance.

This letter sets forth OCR's determination in an individual OCR case. The complainant may have the right to file a private suit in federal court whether or not OCR investigates a complaint.

Please be advised that a recipient may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual 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, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions or wish to request technical assistance, please contact Chief Attorney Sarah Dunne at (206) 607-1640 or at sarah.dunne@ed.gov.

Sincerely,

Linda Mangel
Regional Director

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Office of the President
JUN 5 - 2019
University of Oregon

May 31, 2019

Mr. Michael H. Schill
President
University of Oregon
1585 E. 13th Avenue
Eugene, Oregon 97403

Re: University of Oregon
OCR Reference No. 10196915

Dear Mr. Schill:

By letter dated November 28, 2018, OCR expressed its thanks to you for your participation in the website accessibility webinar that the Office for Civil Rights (OCR) offered in May and June 2018. Because of your participation in the webinar and in the expectation that the webinar would assist you in making your website and on-line programs accessible to individuals with disabilities, OCR did not immediately initiate a directed investigation; rather, OCR stated that it would initiate a directed investigation with respect to the accessibility of your website and on-line programs on May 15, 2019.

Accordingly, OCR is initiating a directed investigation to determine whether your website and on-line programs exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.4 and the Title II implementing regulation at 28 C.F.R. § 35.130. Please note that the initiation of a directed investigation in no way implies that OCR has made a determination concerning the merits of the underlying issue.

OCR will evaluate your on-line programs and activities. If the results of the evaluation do not raise a possible compliance concern, OCR will close the directed investigation and notify you its determination. If the results of the evaluation raise a possible compliance concern, OCR will contact you regarding next steps in the process.

If you have taken steps to ensure that your website and on-line programs are accessible to individuals with disabilities and/or if you seek further technical assistance in addressing compliance with the laws

and regulations applicable to website accessibility, please contact OCR's National Disability Expert, Mary Lou Mobley, at mary.lou.mobley@ed.gov, OCRWebAccessTA@ed.gov, or (303) 844-4480, at your earliest convenience.

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

Sincerely,

Linda Mangel
Regional Director
Seattle Office

UNIVERSITY OF OREGON

Sent via email (Mary.Lou.Mobley@ed.gov, Linda.Mangel@ed.gov) and first class mail

June 21, 2019

Linda Mangel
Regional Director
U.S. Department of Education
Office for Civil Rights
915 2nd Ave. Suite 3310
Seattle, WA 97174-1099

Re: University of Oregon
OCR Reference No. 10196915

Dear Ms. Mangel:

Greetings from Eugene and the University of Oregon. I write in response to your attached letter received by the University on June 5, 2019.

Thank you for contacting us. The University is committed to complying with Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and their implementing regulations. The University firmly believes in equal opportunity for individuals with disabilities to access all university programs, including its website and online programs. The University has, as explained below, also taken recent steps to ensure that such individuals have an equal opportunity to do so. We hope that those actions, summarized in this letter, provide you sufficient information to conclude that the directed investigation can be closed in an expeditious manner.

This matter was brought to our attention in a letter from the Office of Civil Rights ("OCR") dated August 3, 2017. That letter cited the same regulation and required the University of Oregon to begin addressing whether the University is excluding qualified persons with disabilities from participating in, denying them the benefits of, or otherwise subjecting them to discrimination in its programs, activities, aids, benefits, or services, in violation of the Section 504 implementing regulation at 34 C.F.R. 104.4 and the Title II implementing regulation at 28 C.F.R. 35.130.

Particularly over the past year, the University has made significant progress in coordinating the efforts of appropriate university stakeholders to ensure that its information communication technologies ("ICT") are accessible. Despite the fact that OCR dismissed the 2017 OCR complaint against our institution, the University continued in its efforts to review and revamp its practices and protocols in the area of ICT accessibility. For example, the University did the following:

Office of the General Counsel
219 Johnson Hall
1226 University of Oregon, Eugene OR 97403-1226
541-346-3082 | FAX 541-346-6110 **generalcounsel.uoregon.edu**

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- Convened a workgroup comprised of subject matter experts across campus, including the Accessible Education Center, Information Services, Purchasing & Contracting Services, Communications, Safety & Risk Services, College of Arts & Sciences, University Libraries, Human Resources, Internal Audit, Student Services & Enrollment Management, Business Affairs, and Athletics. This workgroup has met bi-monthly to review best practices, institutional capacity building options, frameworks at other institutions, and any guidance or direction provided by OCR;
- Prior to engaging an external auditor, worked with various University officials (e.g., University web developers, IT staff, and communications staff) to conduct initial human and automated reviews (e.g., using the WAVE WebAIM tool) of a variety of University webpages with the ultimate goal of making all University web pages compliant with the accessibility standards of W3C's Web Content Accessibility Guidelines 2.0 Level AA. This process, which is ongoing, will be aided significantly by the results of an external audit.
- Adopted an accessibility webpage and posted, on the University's home page and throughout its website, a detailed notice to persons with disabilities regarding how to file a formal grievance with the University, how to report an accessibility concern, and/or how to request the webmaster or other appropriate person to provide access to (or notify the University regarding) online information or functionality that is currently inaccessible, pursuant to the requirements of Section 504 and Title II.
- The University's Online & Distance Education Program hired an Online Education Media Producer and several Instructional Designers to begin Fall Term 2019 who will, among other tasks, assist faculty in creating accessible online courses, caption video material for online courses, and continue to implement universal design for the learning environment.
- Made available, via weekly emails to employees, over a dozen online web accessibility training videos and tutorials through the University's Skillport license.
- Drafted and vetted a proposed University ICT Accessibility policy, and accompanying procedures, ensuring web accessibility and a process to review accessibility requests or complaints.
- Requested, through the University's Strategic Investment request process, permanent funds to create a new University-wide position in the area of web accessibility to serve as the primary accessibility technology expert for campus with responsibility for the support, technical direction, assessment, and implementation of new and existing technologies at the University. (This position received permanent funding, as detailed below).

Last November the University sent advance drafts of our proposed ICT Accessibility Policy and Procedures to OCR Region X, for its comment and input, prior to routing those drafts through the University's Policy Advisory Council and policy approval process. Our doing so resulted in telephone and email communication with Region X's expert in this field, Ms. Noel Nightingale, an OCR Staff Attorney. Those communications were extremely beneficial to the University. The University made all of the edits suggested by Ms. Nightingale.

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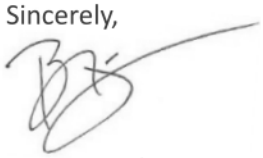
Additionally, in May of this year, with support of the University's Budget Advisory Group, the University President approved recurring funding of $179,000 per year to support additional web accessibility efforts on campus, including but not limited to posting and hiring the aforementioned 1.0 FTE position to further develop and oversee compliance of digital resources; immediate engagement with an external auditor to perform an accessibility audit; purchase of an internal tool allowing the University to proactively scan and remediate its digital environment; and additional web accessibility training support. With this funding, and pursuant to University policy, the University is currently working with its Purchasing & Contracting Services department to contract with an external auditor and begin the search for an ICT Accessibility Program Manager.

For more details on the steps the University is taking to further its commitment to equal access to University ICT to people with disabilities, see ICT Accessibility Policy. We expect the University President to sign this policy after the requisite public comment period passes this week.

The University of Oregon is committed to providing equal access and opportunity to the widest range of ICT users, including those with disabilities. These principles guide the University's efforts to make the aforementioned ICT accessibility improvements to ensure that people with disabilities are able to access the same information, engage in the same interactions, and have the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use.

As always, the University appreciates the Department's attention to this matter and welcomes any additional questions or concerns.

Sincerely,



Bryan Dearinger
Associate General Counsel

enclosure

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541-346-3082 | FAX 541-346-6110 **generalcounsel.uoregon.edu**

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May 31, 2019

Office of the President
JUN 5 - 2019
University of Oregon

Mr. Michael H. Schill
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1585 E. 13th Avenue
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Re: University of Oregon
OCR Reference No. 10196915

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Sincerely,

Linda Mangel
Regional Director
Seattle Office