



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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June 5, 2024

By email only to: ua.president@alaska.edu

Pat Pitney
President
University of Alaska System
Butrovich Bldg., Ste 202
2025 Yukon Drive
P.O. Box 755000
Fairbanks, AK 99775-5000

Re: OCR Docket No. 10-22-6001
University of Alaska System

Dear President Pitney:

This letter is sent to notify you that the Office for Civil Rights (OCR) of the U.S. Department of Education has concluded its monitoring of the implementation of the Resolution Agreement (Agreement) of October 18, 2022, in the above-referenced matter, as the University of Alaska System (System) has satisfied all obligations under that Agreement. OCR will take no further action with respect to this matter.

The Agreement was designed to resolve a compliance review initiated by OCR regarding the accessibility of the System's website to persons with disabilities, including those with sensory impairments who might require the use of assistive technology to access the website. The terms of the Agreement were intended to bring the System into compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. § 104.4, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. § 35.130. The Agreement was also designed to ensure the System took appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communications with others, in compliance with the Title II implementing regulation at 28 C.F.R. § 35.160(a). In sum, the System agreed to take specific actions necessary to ensure that people with disabilities have an equal opportunity to participate in the System's programs and activities that are offered through its website.

Pursuant to the Agreement, the System adopted an accessibility standard, WCAG 2.0, level AA, and implemented an accessible alert process on its website for users to notify the System of, or request access to, any online content or functionality that was inaccessible to people with disabilities.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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The System also completed an accessibility audit of its website that consisted of manual testing to identify barriers, and as barriers were identified, the System remediated those barriers in conformance with the System's chosen accessibility standard.

To evaluate the effectiveness of the System's testing protocols and remediation steps, OCR conducted tests of a representative sample of the web pages, electronic documents, and videos identified by the System during its audit, using the System-adopted standard as an appropriate measure of compliance. OCR applied both automated and manual testing protocols to identify technological barriers to access, including checking for appropriate keyboard access and navigation, semantic markup, visual focus indicators, color contrast, video captioning, and document accessibility. When OCR identified a technological barrier to access, it then performed a secondary evaluation to determine whether the technological barrier implicated the System's compliance with the law by impeding the ability of people with disabilities from having an equal opportunity to enjoy the System's online programs and activities.

OCR conducted tests on August 8 and 9, 2023, September 4, 2023, November 30, 2023, February 28, 2024, April 24, 2024, and June 4, 2024, of the System's website and online programs and determined, as of the initial testing date, that there were some remaining barriers to access for people with disabilities in online programs and activities on some pages, while other pages were barrier-free. The pages selected by OCR for testing included approximately 17 pages representative of the System's overall online programs and activities, focusing on pages of critical importance to students and members of the public and, where applicable, pages reflective of the System's priorities, such as the System's homepage; different templates; the most highly-trafficked pages; and other pages of importance, listed below. OCR does not review all of a covered entity's web pages because a website is not static and web pages are always changing. Thus, it is most important for OCR to carefully test those pages that are of critical importance to the ability of students or members of the public to access the System's programs or activities to measure the viability of the System's testing protocols and remediation steps.

Through its testing of representative pages and OCR's communications with the System, OCR determined that the System remediated all identified barriers on the web pages listed below, if any, which had previously impeded the ability of people with disabilities to access the System's online programs and activities, or had interfered with the effective communication with respect to those programs and activities:

- The [Homepage](https://www.alaska.edu/alaska/) (<https://www.alaska.edu/alaska/>);
- The [UA Virtual Campus](https://www.alaska.edu/virtual-campus/) page (<https://www.alaska.edu/virtual-campus/>);
- The [Careers at UA](https://careers.alaska.edu/jobs/search) page (<https://careers.alaska.edu/jobs/search>);
- The [UA Scholars Program](http://www.alaska.edu/scholars) page (<http://www.alaska.edu/scholars>);
- The [Resources for Learning Remotely](https://alaska.edu/virtual-campus/learning.php#access) page (<https://alaska.edu/virtual-campus/learning.php#access>);

- The [UAOnline Services](https://www.alaska.edu/uaonline) page (https://www.alaska.edu/uaonline);
- The [Cash Management](https://www.alaska.edu/cash/) page (https://www.alaska.edu/cash/);
- The [Land Management](https://www.alaska.edu/ualand/) page (https://www.alaska.edu/ualand/);
- The [Office of Information Technology](https://www.alaska.edu/oit/) page (https://www.alaska.edu/oit/);
- The [Student Services](https://www.alaska.edu/studentservices/) page (https://www.alaska.edu/studentservices/);
- The [Academics, Students & Research](https://www.alaska.edu/research/) page (https://www.alaska.edu/research/);
- The [Office of Government Relations](https://www.alaska.edu/govrelations/) page (https://www.alaska.edu/govrelations/);
- The [UA Data Analysis and Institutional Research](https://www.alaska.edu/ir/) page (https://www.alaska.edu/ir/);
- The [Procurement](https://www.alaska.edu/procurement/) page (https://www.alaska.edu/procurement/);
- The [Equity and Compliance](https://www.alaska.edu/equity/ada-accessibility/grievance/) page (https://www.alaska.edu/equity/ada-accessibility/grievance/);
- The [Open Records Request PDF](https://www.alaska.edu/opa/files/Public-Info-Handout-RecordsRequests2010-02.pdf) page (https://www.alaska.edu/opa/files/Public-Info-Handout-RecordsRequests2010-02.pdf); and
- The [Commemorating Indigenous People's Day PDF](https://www.alaska.edu/pres/communications/10.09.2023%20Indigenous%20Peoples.pdf) page (https://www.alaska.edu/pres/communications/10.09.2023%20Indigenous%20Peoples.pdf).

To the extent that the remediated barriers indicated a need to refine the System's strategy or implementation plan, OCR worked with the System to effectuate those changes.

The System also submitted to OCR a report that describes its plan for how it intends to maintain the accessibility of the services, programs, and activities communicated or facilitated online.

Based on the results of OCR's testing, combined with the System's adoption of an accessibility standard, its implementation of the published notice referenced above, and its adoption of a plan for maintaining the accessibility of its website, OCR has determined that the System has fully and effectively complied with the terms of the Agreement, and is in compliance with the statutory and regulatory provisions at issue in this case. Accordingly, OCR is closing its monitoring of the Agreement as of the date of this letter.

This letter should not be interpreted to address the System'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 case. 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. An individual may have the right to file a private suit in court whether or not OCR finds a violation.

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, we 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.

Please be advised that the System must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

If you have any questions, please contact me at (202) 987-1879 or Rhonda.Collins@ed.gov.

Sincerely,



Rhonda Collins
Attorney

Courtesy copy by email only to:

Gerard Kenna
Associate General Counsel
gmkenna@alaska.edu