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Cause for Complaint: A Case Study Exploring Office for Civil Rights Complaints and Resolutions Related to Digital Accessibility at Public Colleges and Universities

by

Helen Gema Muñiz Bermudez

A Dissertation Presented to the
Halmos College of Arts and Sciences of Nova Southeastern University
in Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy

Nova Southeastern University
2023

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Halmos College of Arts and Sciences

This dissertation was submitted by Helen Gema Muñiz Bermudez under the direction of the chair of the dissertation committee listed below. It was submitted to the Halmos College of Arts and Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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Date of Final Approval

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Chair

Dedication

This dissertation is dedicated to the many students with disabilities I have worked with and learned from throughout my professional life. You have taught me more about what an accessible world can look like than any theory or book ever could. May this research provide some insights into how we could all contribute to the accessibility of our classrooms, institutions, and digital spaces.

"Change never happens at the pace we think it should. It happens over years of people joining together, strategizing, sharing, and pulling all the levers they possibly can. Gradually, excruciatingly slowly, things start to happen, and then suddenly, seemingly out of the blue, something will tip."

— Judith Heumann, Being Heumann: An Unrepentant Memoir of a Disability Rights Activist

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Digital accessibility is not the only thing that requires a systems approach – I too, owe a great deal of gratitude to my village – especially the ones who have become family and whose support made this achievement possible.

To Kesia and Jaime: I would *never* have started this program or engaged so deeply in this work had it not been for you – thank you for leading the way and for helping to elevate the conversation around disability where we spend most of our days. Thank you for making and holding space for me. I am deeply grateful for your unconditional support and the intensity with which you believe in me, making sure I saw

this dissertation adventure through to the very end. Your love and friendship are transformative – cheers to being sunshine twins (Kesia) and biffles (Jaime) for life.

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I would be remiss if I did not include in this my deepest appreciation and love for our four-legged furkids – Wall-e, Pepino, and Finn (and Homer and Igor who are no longer with us) – who have been steadfast companions through this dissertation exercise, and so many years of graduate school, right along with me. They are always a source of joy, companionship, and amusement when I need it most – and to borrow from Proust, they are the charming gardeners who make my soul blossom.

Finally, this milestone is the culmination of many years of graduate school, professional development, and a lot of work commitments, none of which would have been remotely possible without the enduring support of my husband Donald. He has been at the mercy of late school nights and long workdays for the better part of our relationship and has always been a constant source of encouragement – through reminding me that I'm made for this kind of work, through keeping our household running, and the endlessly steady flow of homemade cafecito. He always makes sure I keep going, constantly echoes that I am smart and can do *the* things, and always reminds me that things will work out.

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Abstract

As the number of students with disabilities pursuing postsecondary opportunities continues to grow, along with an increase in digital educational content and technology, the issue of digital accessibility becomes increasingly urgent - both as a matter of equity and access for disabled students and as a matter of social and fiscal responsibility for postsecondary institutions. When postsecondary institutions fail to meet the requirements of disability legislation, the U.S. Department of Education's Office for Civil Rights (OCR) is the federal entity responsible for enforcement and complaint investigations, handling hundreds of complaints related to digital accessibility at postsecondary institutions since 2013. There are significant gaps in the existing literature on how to get from the technical requirements of digital accessibility to the actual implementation of accessible content in systems as complex as postsecondary institutions. This qualitative study uses a single case study methodology, leveraging manifest content analysis and coding processes, to analyze 37 formal complaint investigations, findings, and resolutions agreements, filed from 2018 to the present, related to digital accessibility at public, post-secondary institutions. Study results indicate that digital accessibility conflicts persist primarily due to the complexity of the problem, the complexity of the stakeholders and institutional dynamics, and the complexity of the technical work required to remediate inaccessibility content. The results of this qualitative study are intended to assist postsecondary institutions in better serving their students with disabilities by shifting their digital accessibility approach from reactive to proactive.

Chapter 1: Introduction to the Study

Theoretically, digital content eliminates barriers to communication and understanding that individuals may encounter in the physical realm, yet in practice, numerous websites and tools introduce various forms of obstacles, making their content inaccessible to a considerable number of potential users with disabilities. Postsecondary institutions in the United States have been one of the most frequently named entities in terms of lawsuits and OCR complaints related to website and digital accessibility (Wang, 2017; University of Minnesota, 2018). As the number of students with disabilities pursuing postsecondary opportunities continues to grow, along with the increase of digital processes and content in higher education, the issue of digital accessibility becomes more and more urgent - both as a matter of equity and access for a marginalized group of people and as a matter of social and fiscal consequences for the institution. These conflicts juxtapose the internet's promise of worldwide access for all with the reality of exclusionary design. At its essence, the problem of digital accessibility illustrates how the biggest trend in globalizing society is not accessible to all.

When entities such as colleges and universities fail to meet the requirements of disability legislation, the U.S. Department of Education's Office for Civil Rights (OCR) is the federal entity responsible for addressing those allegations and the process begins with the filing of a formal complaint. Since 2013, OCR (n.d.) has handled hundreds of complaints against postsecondary institutions related to digital accessibility, online content accessibility, and effective communication, which often includes inaccessible digital communication. There are significant gaps in the existing literature on how to get from the technical requirements of digital accessibility to the actual implementation of

accessible content in a system as complex as a postsecondary institution. The purpose of this study is to analyze allegations, subsequent investigation findings, and resolution agreement actions for digital accessibility and effective communication-related complaints made to the Office for Civil Rights about state and community colleges in the United States through the lens of social theories and the analysis and development of theme emergence. The results of this qualitative study aim to assist postsecondary institutions in addressing and resolving the conflict of digital accessibility by providing recommendations for better serving students with disabilities and shifting the institutional approach to accessibility from a reactive to a proactive stance. A proactive approach could also lead institutions to be better financial stewards, avoiding the cost of litigation or settlements. This is particularly important for the institutions that are the focus of this study, public colleges and universities, as these entities are most likely to have tighter budgets and be more dependent on state and federal funding.

The Digital Accessibility Landscape

The world wide web (WWW), or as many have come to refer to it as just the *web*, and the information, materials, and activities taking place in it, has been both an innovation and the space for a revolution in terms of communication and exchange. The way it serves as a platform for the exchange of goods, services, and information, as well as the connectedness that it allows for people who have access to it, speaks to the benefits of its existence. The Web has become an integral part of life for many people, and as Kurt (2018), argues, one can complete daily tasks with the click of a button, from shopping for goods and services, to managing finances, exploring careers, obtaining an education, and connecting with family and friends. He explains that the Web “literally

puts the world at your fingertips" and as such, is a well-utilized tool that has grown exponentially, going from one trillion unique web pages identified by Google's software engineers in 2008 to a whopping 130 trillion unique web pages in 2016 (Kurt, 2018, p. 199). This implies that there is a massive amount of information on the Web and boundless opportunities for learning and making connections. Smith (2008) further argues that the use of the Web is no longer restricted to pleasurable browsing, but that it has "become a *de facto* necessity for some types of tasks, including tasks that fall within the purview of organizational life" (p. 1). These web-based *de facto* tasks can run the gamut from accessing learning materials for education and organizing one's work at their place of employment to mundane activities like scheduling bill payments online.

However, as democratic, and universal as the convenience of the Web sounds, Kurt (2018) argues that "any number of barriers exist that prevent people with disabilities from making full and unfettered use of the Web," and these barriers create a divide in terms of digital accessibility and all the ease and convenience that come with it. Moreover, because more and more of our lives are spent on the Web, whether for work or entertainment or to establish and maintain social connections, exclusion from these activities for people with disabilities precludes them from engaging in an active, full life in a globalized, digitally connected world. In fact, this digital divide goes against the original mission of the Web and the vision of its founder. Sir Tim Berners-Lee, considered the father of the Web, went on to be the founder of the World Wide Web Consortium (W3C), an international community devoted to developing open web standards, where equality of access, universality, and non-discrimination were principal tenets (Berners-Lee, 2004). Web or digital accessibility is when a website, app, digital

document, or software is easily navigated by people with disabilities, and it also "means that websites, tools, and technologies are designed and developed so that people with disabilities can use them" to "perceive, understand, navigate, and interact with the Web and contribute to the Web" (Digital.gov, n.d.; W3C digital accessibility Initiative, n.d.).

It is also important to note that the issue of ensuring equal access for people with disabilities is by no means a small endeavor, with factors like the growing number of web pages, population size, and the variations in the impact of disabilities on how people use the web. As a result, a significant and growing number of people are being systematically marginalized and excluded. The number of people with disabilities worldwide was nearly 650 million in 2018 and continues to grow, with even early Web use in 2002 seeing about 12% of users with disabilities accessing online digital resources (Kurt, 2018). According to the World Bank (2021), one billion people, or 15% of the world's population, experience some form of disability, with one-fifth of those individuals, or between 110 million and 190 million people, experiencing significant or severe disabilities. Over 5% of the world's population – or 430 million people – require rehabilitation to address their 'disabling' hearing loss and it is estimated that by 2050 over 700 million people – or one in every ten people – will have disabling hearing loss. Moreover, 253 million people are affected by some form of blindness and visual impairment, about 200 million have an intellectual disability, and 75 million people use a wheelchair daily (World Health Organization, 2011). In the United States, according to the most recent national data available from the U.S. Census Bureau from a 2014 survey, 27.2 percent, or 85.3 million, of people had a disability, and about 17.6 percent, or 55.2 million people, reported a severe disability; more specifically in looking at adults aged 18 and older, 5.1 percent

(12.3 million) had serious difficulty seeing, including 1.6 million adults who were blind, 7.1 percent (17.1 million) experienced a serious hearing difficulty, including 3.4 million who were deaf, and about 1.8 percent of adults (4.2 million) had both vision and hearing difficulties (Taylor, 2018). While these types of sensory disabilities are the ones that come to mind most when discussing accessible information and communication technology (ICT), Kurt (2018) argues that the impact of inaccessible technology also reaches people with functional or mobility-related disabilities (48.2 million adults) as well as individuals with mental health, cognitive, and learning-related disabilities (9.7 percent or 23.2 million adults).

Beyond the inaccessibility of webpages and online sites, as our globalized world has become increasingly digital, the activities and content one engages in online and in a digital format have come to exist under the umbrella term of information and communication technology (ICT). The U.S. General Services Administration (GSA) Office of Government-wide Policy (OGP) defines ICT as "information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include but are not limited to computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; websites; videos; and electronic documents {Section 508, E103.4 Defined Terms}" (2020). Moreover, accessible ICT "at a minimum, affords a person with a disability the opportunity to acquire the same information, engage in the same interactions, and enjoy the same programs and activities

as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use" (Department of Justice, 2002).

In one of the earliest publications from the United States' National Council on Disability advocating for the funding of accessible technology, the report emphasizes the role information and community technology (ICT) can have in empowering and "leveling the playing field" for people with disabilities by quoting an often-cited statement by Mary Pat Radabaugh, who served as director of the IBM National Support Center for Persons with Disabilities (1993). Radabaugh asserted that "for most people, technology makes things easier. For people with disabilities, technology makes things possible" (1993). In a background paper about the digital divide for people with disabilities for the 2016 World Development Report, Raja (2015) analyzes the cost-benefits and main challenges of digital accessibility across the globe. She then notes the progress of countries like the United States and those in the European Union, citing their legislation and policymaking as systemic tools with which to advance ICT accessibility across the ecosystem of stakeholders. In the United States, these legislative and policy tools are aimed at a range of stakeholders -- from the regulatory guidance intended for creators of ICT and digital content and the companies that occupy digital spaces to the formal complaint and resolution options intended to provide end-users, that is, people with disabilities, a recourse when things are inaccessible.

Digital Accessibility in Higher Education

Pursuing an education, particularly in a postsecondary setting, is one of the activities where engagement has dramatically shifted to include web browsing and the use of digital, online platforms and tools (McKinsey & Company, 2018). It is difficult to

imagine a course of study where a college student would not have to engage with some sort of technology - from submitting weekly quizzes to doing research for a term paper - the web is fully present in today's educational experiences. To emphasize the impact of inaccessible ICT at the postsecondary setting, it is important to recognize the increase in the number of students with disabilities enrolling in colleges or universities. According to the National Center for Education Statistics (NCES), in the fall of 2019, approximately 19% of undergraduate students in degree-granting postsecondary institutions reported having a disability, which translates to about 2.8 million undergraduate students with disabilities, which outpaces the 14% of students with reported disabilities in public elementary and secondary schools, or grades K through 12 (2020). For the postsecondary figures, it is worth noting that this number only includes students who self-reported having a disability and does not include students who have disabilities but choose not to disclose them. Prior to fall 2019 data, NCES (2019) indicated that 11% percent of undergraduates identified as having any type of disability in 2011-2012 (Snyder, de Brey, and Dillow, 2016; U.S. Department of Education, NCES, 2018). When compared to the previous decade, in a report for NCES, Lewis and Farris (1999) estimated that only five percent of undergraduates enrolled in a postsecondary setting had a disability in 1995-1996.

The increases seen in postsecondary enrollment for students with reported disabilities could be attributed to various factors - from the reduced stigma associated with self-disclosure to increased accessibility and transition/planning services as students are entering post-secondary environments (Lindstrom, 2011). Additionally, advances in medical technology and treatment have allowed more individuals with disabilities to live

longer and participate in society. Another factor is the legal requirement for colleges and universities to provide accommodations for students with disabilities under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Lindstrom, 2011). These laws require postsecondary institutions to provide reasonable accommodations to ensure that students with disabilities have equal access to educational opportunities. As a result, more students with disabilities are able to enroll in postsecondary institutions and complete their degrees. Furthermore, the increased availability and accessibility of assistive technology, such as screen readers, text-to-speech software, and speech recognition software, have made it easier for students with disabilities to access and participate in postsecondary education, as these tools help level the playing field for students with disabilities and allow them to fully participate in classroom activities and discussions (Burgstahler and Cory, 2008).

However, the availability and expanded use of these tools does not always translate to full accessibility. What is certain is that the number of students generally self-disclosing a disability in postsecondary is increasing. Of the 19.5% who disclosed having a disability in 2019, the type of disabilities was reported as follows: 4.2% visual, 3.9% hearing, 1.3% speech, 5.9% orthopedic, 3.5% specific learning disability, 26.4 attention deficit disorder, 40% mental illness/depression, and 14.7% reported a disability other than those listed (U.S. Department of Education, NCES, 2019). For the sensory disabilities most impacted by inaccessible web-based or digital materials, these figures translate to approximately 9,000 undergraduate students in degree-granting postsecondary institutions who reported being blind or visually impaired, and about 8,000 who reported being deaf or hard of hearing (U.S. Department of Education, NCES,

2020). While the number of students self-identifying has increased across four- and two-year institutions, students attending four-year universities report "receiving accommodations at a higher rate (85 percent)" as compared to students at two-year state or community colleges (57 percent), which could potentially translate into even less digital accessibility if the rate of receiving accommodations is an indicator for an overall less accessible college experience (National Center for Education Statistics, 2022; Newman et al., 2019; Newman et al., 2011).

In the United States, in response to the challenge of inaccessibility, end-users and disability advocacy organizations have begun to respond using these systemic tools, through the advent of legal action in the form of lawsuits or formal complaints against entities that produce or host inaccessible digital content, where disability legislation is interpreted as applicable to web and ICT accessibility (Lumpkin & Moot, 2017). When entities such as colleges and universities fail to meet the requirements of disability legislation, the U.S. Department of Education's Office for Civil Rights (OCR) is the federal entity responsible for addressing those allegations and the process begins with the filing of a formal complaint. Guidance from OCR (2018) asserts that a complaint is not considered a lawsuit, and not filing a complaint does not preclude someone from pursuing one in "court or with any other appropriate federal, state, or local agency".

Problem Statement, Purpose of Study and Research Questions

While policymaking and creating avenues for resolution is a form of recourse nested in the recommendations from Raja's (2015) World Development Report, it has not exactly resulted in advancing the systemic, widespread accessibility of information and communications technology (ICT). Postsecondary institutions in the United States have

been one of the most frequently named entities in terms of lawsuits and OCR complaints related to website and digital accessibility (Wang, 2017; University of Minnesota, 2018). Since 2013, OCR has handled more than 250 cases related to digital accessibility involving postsecondary institutions (Office for Civil Rights, n.d.). In a study examining the digital accessibility of a random sample of 325 two-year Title IV institutions in the United States, Taylor and Bicak (2019) found all institutions had at least one Level-A error *just* on their homepage, potentially violating new ADA guidelines. While private institutions have the least accessible websites according to Taylor and Bicak (2019), public institutions are poised to serve more impacted students due to the predominantly open admissions approach at many state institutions. According to the National Center for Education Statistics (2022), approximately 90 percent of two-year and less-than-two-year institutions are open admissions, while about 40 percent of four-year institutions report this approach to admissions. Lawsuits and OCR complaints can be particularly difficult for state university and colleges to navigate, as the financial and legal resources for responding to these can overburden institutions who face ever-shrinking state funding allocations, with the hardest hit institutions for budget cuts being minority-serving, public community colleges in high-poverty areas, which saw unprecedented cuts in funding following the 2008 Great Recession (Koh, Katsinas, & Bray, 2019; Knight, 2017).

In studying these complaints and their accompanying resolutions, the researcher aims to provide an analysis of the impact of digital inaccessibility in postsecondary settings and recommendations for what proactive measures postsecondary institutions could take to prevent the exclusion of people with disabilities, while also assisting institutions to mitigate or avoid the costs - both human and financial - associated with

such complaints. The results of this study should assist postsecondary institutions in better serving their students with disabilities, shifting their approach to accessibility from a reactive to proactive stance. A proactive approach could also lead institutions to be better financial stewards, avoiding the cost of litigation or settlements, which is particularly important for the institutions who are the focus of this study, public colleges and universities, as these entities are most likely to have tighter budgets and be more dependent on state and federal funding along with tuition dollars.

The purpose of this study is to identify allegations, subsequent investigation findings, and resolution agreement actions for digital accessibility-related complaints made to the Office for Civil Rights about public institutions in the United States, and the analysis of theme emergence. The study aims to analyze the various complaint reasons and factors, as well as the specific corrective actions which are prescribed in the letters of findings and resolution agreements sent to institutions upon the conclusion of the investigation, or at the conclusion of a selected alternative resolution processes, in order to resolve the conflict of digital inaccessibility. The primary research questions are as follows:

1. What are the common allegations and reasons for complaints listed in the formal complaint submissions through the Office of Civil Rights?
2. What are the findings of the ensuing investigations conducted by the Office for Civil Rights?
3. What are the issues requiring corrective action included in the findings and the corrective actions mandated in the resolution agreements issued by OCR?
4. What are the emerging recurring and common themes?

Literature Review, Theoretical Framework, and Methodology

To understand the impetus and motivation behind formal actions, such as complaints to OCR from the disability community, brief overviews of disability models and the disability movement are helpful in contextualizing the issue of accommodation and accessibility on the web, along with a discussion on digital accessibility for people disabilities to provide a technical overview of the problem presented by a lack thereof. The applicability of multiple theories – rational choice theory, social movement theory, and systems theory – are explored as tools with which to understand the conflict of digital accessibility, including the actions and responses from the disability community and postsecondary institutions. This study uses a single case study methodology, leveraging manifest content analysis and coding processes, to analyze formal complaints made to the Office for Civil Rights (OCR) related to digital accessibility at public, post-secondary institutions. The researcher addresses the delimitations of the study in the methodology chapter, while the limitations of the study are discussed in the last chapter. Through the analysis of commonly mandated courses of action to address the complaints, a set of recommendations for institutions is offered to encourage proactive action.

A Note on the Language Surrounding Disability and Disability Topics

Kimura (2018) explains that the "language surrounding disability ranges greatly and evolves frequently, complicated by the highly variable manifestations of mental and physical impairments and abilities, and by changing understandings of how individuals' abilities are differently contextualized and perceived by culture and society" (p. 427). Institutions, both in the organizational and societal sense, tend to orient their work around definitions for categorizing who is being addressed, served, or represented in their

activities for the sake of delineation. In the United States, most references to disability are anchored or refer to landmark legislation such as the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA) and their respective amendments. In these, disability is generally defined as "a physical or mental impairment that substantially limits one or more major life activities," and includes "people who have a record of such an impairment, even if they do not currently have a disability" and "individuals who do not have a disability but are regarded as having a disability" (United States Department of Justice, 2020, para. 3). Later amendments to the ADA (2010 and 2016) broadened the definition of disability and made it more inclusive of an individual's self-report and interaction with their perception of disability. Kimura (2018) explains that "individuals may consider themselves or others to be disabled if they exhibit, for example, low or no vision; color blindness; hearing or physical impairment; cognitive or learning difference, including autism, attention deficit hyperactivity disorder, dyslexia or other print or language processing conditions; or sensory differences," and includes those with mental health issues or psychological disorders (p. 427). In somewhat of a juxtaposition, the World Health Organization (2021), uses disability as "an umbrella term, covering impairments, activity limitations and participation restrictions," which acknowledges the importance of context and the existence of "dis-abling" conditions or barriers in a person's environment.

While there are various definitions, concepts, and legal references to what a disability is or who is considered disabled in a given context, at the convergence of all these is a community of individuals with layered, intersectional identities (Crenshaw, 2017). Because of this, it is also necessary to address the existence of varying preferences

for how disability is described in relation to a person. There are two dominant approaches to language surrounding disability: people- or person-first language, for example, a "a person with a disability," and the identity-first language of "disabled person" (Kimura, 2018). In educational settings, many default to what is considered person-first language out of tradition, but self-advocates have increasingly argued for identity-first language, which is more aligned with the social model of disability discussed in the next chapter. Liebowitz (2018), a disability rights advocate, asserts that neither language approach should be applied broadly, as there are nuances and variations in preferences across groups within the disability community. For example, Deaf communities tend to strongly prefer identity-first language and signal as such by using the capital D when referring to Deaf people and communities, and conversely, a lowercase d when referring to the medical condition of deafness, while rejecting the term "hearing impaired," as it implies a sense of brokenness. Autistic advocates have adopted somewhat similar approaches. Liebowitz (2018) also argues that the best way to approach language in the disability community is to first ask - and if unable to ask - to initially default to the language most used by the group, but not the language necessarily used by caregivers or allies. As such, in this study, there are instances of both person-first and identity-first language used, and the researcher recognizes disability and the related language as context-driven and context-sensitive terms that exist within an ecosystem of perspectives and identities. This use of these terms is not intended to position disability and ability as a binary, but rather as a reference point for the discussion of accessibility.

Definition of Terms

Internet and Communication Technologies (ICT): ICT is broadly defined to include websites, customer relations management systems, online learning (both distance and blended learning), assistive technologies (AT) such as screen-readers and alternative keyboards, general-use technologies such as tablets and mobile phones, administrative applications such as registration systems, and social networking applications such as Facebook and Twitter, as well as specific application technologies such as statistical packages, learning management systems, digital textbooks, and courseware (U.S. General Services Administration Office of Government-wide Policy, 2020).

Ableism: Bias, prejudice, and discrimination against disabled people (Dolmage, 2017).

Accessible: Refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability (Kurt, 2018).

Accessible resource: A resource that eliminates obstacles to access. In physical spaces, this could involve features like ramps instead of stairs or the inclusion of tactile and audible signals at street crossing; in the digital domain, accessibility is commonly understood to encompass both usability and technical aspects (Kimura, 2018).

Accommodation: The term "accommodation" may be used to describe an alteration of environment, curriculum format, or equipment that allows an individual with a disability to gain access to content and/or complete assigned tasks. In a postsecondary setting, they allow students with disabilities to pursue a regular course of study. Since accommodations do not alter what is being taught, instructors should be able to

implement the same grading scale for students with disabilities as they do for students without disabilities. Examples of accommodations include: sign language interpreters for students who are deaf; computer text-to-speech computer-based systems for students with visual impairments or Dyslexia; extended time for students with fine motor limitations, visual impairments, or learning disabilities; large-print books and worksheets for students with visual impairments; and trackballs and alternative keyboards for students who operate standard mice and keyboards. The term "modification" may be used to describe a change in the curriculum or a change to a student's program requirements, such as substituting a required math course with an approved substitution course for a student with Dyscalculia (math-related disability) (The Disabilities, Opportunities, Internetworking, and Technology Center, 2022).

Auxiliary aids and services: The Americans with Disabilities Act uses the term "auxiliary aids and services" ("aids and services") to refer to the ways to communicate with people who have communication disabilities. In postsecondary settings, these may commonly include taped texts, interpreters, or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions (Office for Civil Rights, 2018).

Assistive technology (AT): Any device, software, or equipment that helps people adapt to their environment. Examples include text-to-speech, dictation, closed captioning, high contrast, and alternate input devices (U.S. General Services Administration Office of Government-wide Policy, 2020).

Courseware: Courseware is a term that combines the words "course" with "software." It is software containing educational content, instruction, and instructional strategies. Digital courseware are supplemental, publisher-created materials that could include homework and problem sets, quiz and test banks, and adaptive learning tools with immediate feedback (Lee, 2012).

Digital textbook: A digital textbook is a digital book or e-book intended to serve as the text for a class. Digital textbooks may also be known as e-textbooks or e-texts. A digital textbook is an electronic form of a printed textbook that requires the use of an electronic device (e.g., PC, laptop, tablet) to access and view the content. A digital textbook allows for convenience in reading since it is downloadable, making the content available offline, and viewable across multiple electronic devices. Digital textbooks also contain interactive resources that are not found in printed educational materials. Common examples include live web links to media content such as videos, interactive case studies, highlighting and annotating tools, and audio translations (Robb, 2019).

Disability: "A physical or mental impairment that substantially limits one or more major life activities," and includes "people who have a record of such an impairment, even if they do not currently have a disability" and "individuals who do not have a disability but are regarded as having a disability" (United States Department of Justice, 2020, para. 3).

Digital accessibility: Digital accessibility refers to the inclusive practice of removing barriers that prevent interaction with, or access to websites, digital tools and technologies, by people with disabilities (Kimura, 2018).

Effective communication (EC): communication with people with these disabilities that is equally effective as communication with people without disabilities (Civil Rights Division, 2020).

Equally effective alternate access: is measured by whether it will afford a person with a disability the opportunity to acquire the same information, engage in the same interactions, and enjoy the same programs and activities as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use (Office for Civil Rights, 2022).

Internet and Communication Technologies (ICT): ICT is broadly defined to include websites, customer relations management systems, online learning (both distance and blended learning), assistive technologies (AT) such as screen-readers and alternative keyboards, general-use technologies such as tablets and mobile phones, administrative applications such as registration systems, and social networking applications such as Facebook and Twitter, as well as specific application technologies such as statistical packages, learning management systems, digital textbooks, and courseware (U.S. General Services Administration Office of Government-wide Policy, 2020).

Intersectional identity: A conceptual framework employed to comprehend how individuals, groups, or social issues are impacted by various forms of discrimination and disadvantages. This approach acknowledges the intersecting identities and diverse experiences of individuals, enabling a deeper understanding of the intricate interplay between biases, disadvantages, and privilege they encounter. Intersectional identity theory asserts that individuals often face multiple sources of disadvantage or privilege,

such as race, age, socioeconomic status, gender identity, sexual orientation, religion, and other markers of identity (Crenshaw, 2017).

Public institution, 2-year: An institution offering at least a 2-year program of college-level studies which terminates in an associate degree or is principally creditable toward a baccalaureate degree (National Center for Education Statistics, Appendix B. Glossary, n.d.). Commonly referred to as a state or community college, and previously referred to as junior colleges.

Public institution, 4-year: An institution offering at least a 4-year program of college-level studies wholly or principally creditable toward a baccalaureate degree (National Center for Education Statistics, Appendix B. Glossary, n.d.). Commonly referred to as a state or public university.

Sensory disability: A disability related to sensory functions like seeing and hearing (Civil Rights Division, n.d.).

Web accessibility (WA): Describes when websites, tools, and technologies are designed and developed so that people with disabilities can use them (W3C Web Accessibility Initiative, n.d.).

Chapter 2: Literature Review

To better frame the concepts, related challenges, and conflicts surrounding digital accessibility, and accessibility in general, it is helpful to understand the existing models and accompanying narratives around disability, as the evolution of these narratives frame how people with disabilities have been treated historically, the rise of the disability movement in the US, and how accessibility is approached and navigated from the perspective of various stakeholders. These models have also informed and framed the rise of social movements related to disability rights, the legislative protections around disabilities, and the laws and mechanisms that address accessibility compliance, particularly in educational settings and with regard to digital accessibility. The conflict of digital accessibility is also analyzed through the lens of three social theories: rational choice theory, social movements theory, and systems theory.

Disability Models and the Disability Movement in the U.S.

According to Darcy et al. (2016), there are two foremost models which account for the debate regarding the understanding of a disability from a theoretical perspective: the medical model and the social model.

The Medical Model

The medical model views disability from a normative and non-normative perspective, where biologically, there is something abnormal or that is construed as a deficit, in the person with a disability (Roberts, 2013). Morris (1996) cites disability scholar Liz Crow's argument that within this medical model of disability "a person's functional limitations (impairments) are the root cause of any disadvantages experienced and these disadvantages can therefore only be rectified by treatment or cure" (Crow,

1996, p. 206). In this model, the disability resides in the person, and the person is the one with the defect, and as a result, the person needs accommodation to be able to perform major life functions. In this model, medical interventions, rehabilitation, and adaptive equipment such as wheelchairs serve to help a person strive for normal functioning through these accommodations or interventions (Darcy et al., 2016). In this sense, the person being able to fully function is the result of external, reactive responses to their impairment or brokenness. Pionke (2017) also makes note that the rehabilitation model - a relative of the medical model that focuses on the overcoming of a disability - creates a further power imbalance by relying on "professionals" who assess and determine the needs of an individual. It also implies a certain baseline normalcy which can begin to seem arbitrary at best and power-driven at its worst. While the drive for treatments and cures is not inherently negative, it centers the voice of professionals as preeminent and de-centers, or others, the people it nobly aims to serve or help.

Goering (2015) argues that the medical model contributes to people with disabilities often reporting "feeling excluded, undervalued, pressured to fit a questionable norm, and/or treated as if they were globally incapacitated" (p. 134). This leads to stereotypes of people with disabilities being dependent and unable to be self-sufficient and the inextricable connection between a person's specific impairment and their abilities that is perpetuated by the medical model is what underpins many of the sympathy-driven attitudes toward people with disabilities. In her anthology of writings by disabled authors, Morris (1996) asserts that the main challenge people with disabilities experience is not a result of their impairment, but more so from how unwelcoming society is - and this sense of unwelcomeness is loudly communicated through inaccessible spaces, inaccessible

institutional norms and customs, and the societal attitudes that exclude them or diminish them as people. In her book, Morris quotes Lois Keith, a disabled woman who became paralyzed as an adult, as she explains:

> Doing disability all day long can be an exhausting process. I don't mean having an impairment, in my own case not being able to walk. Like most disabled people I can deal with this. I mean having to spend a significant part of each day dealing with a physical world which is historically designed to exclude me and, even more tiring, dealing with other people's preconceptions and misconceptions about me. (p. 71)

Across the literature, the consensus remains that the main flaw of the medical model is that it "conflates individual impairment with disability and views disability in terms of disease process, abnormality and personal tragedy" within the Western view of disability, while ignoring the complexity and diversity of disabilities across different settings and contexts (Goering, 2015; Lewthwaite, 2014; Kleynhans & Fourie, 2014). At its core, the medical model reinforces the stigma of disability, by locating the flaw or problem within the person, disregarding the inaccessibility of their environment as the problem. The person is the problem to be corrected, through rehabilitation, accommodation, or some sort of correction.

The influence of the medical model is represented in the language used in the Americans with Disabilities Act (ADA) and its predecessor, the Rehabilitation Act of 1973, by defining a person with a disability as

> a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an

> impairment, or a person who is perceived by others as having such an impairment. (United States Department of Justice, 2020, para. 3)

The ADA definition of disability, used broadly for programs and initiatives modeled after its framework, speaks loudly to the power of the medical model: others' perception of a person having a disability alone meets the criteria for categorizing a person as having a disability. The original spirit of the ADA and its subsequent amendments is also a nod to the medical model, as it references legally required accommodations and auxiliary aids and services aimed at helping an individual participate in an otherwise inaccessible activity or space. With its passage in 1990, the ADA addressed the need for corrective, reactive steps needed to accommodate people with disabilities, such as those in wheelchairs, by installing ramps and addressing the inaccessibility of physical spaces. Contextualizing the rise of protective legislation within the existing disability models helps us to understand the motivation behind actions from respective actors or stakeholders and it also anchors the parallel evolution of models/frameworks and the progress of accessibility. In some ways, the ADA also straddled the shift to the social model of disability by outlining and defining what accessible is and by including the voice of people with disabilities as the experts on their experience through their participation in its draft and ultimate passage.

The Social Model

In the social model of disability, and the one that is most currently commonly accepted, definitions or understandings about disability are rooted in the environment which 'disables' the individual. Schmetzke (2002) explains that the social model of disability "separates impairment from disability" and "impairment is seen as a fact or a

condition; disability is the restriction of activity based on a social context that overlooks the existence of people with impairments" making the conditions, not the impairment, what is disabling to a person (p. 135). In this model, disability is posited as a social construction rather than an inherent, personal characteristic. The social model has "its focus is the lived experience of people with disability and the disabling environmental and attitudinal barriers that they encounter which transform a person's impairment to a disability" (Darcy et al., 2016, p. 499). In the social model, individuals with disabilities, being experts on their individual experience, are empowered to decide for themselves what services they need (Kimura, 2018). The social model also emphasizes self-reliance and self-advocacy, in contrast to the medical model that paternalizes the individual with a disability. The model also strives to both identify institutional and attitudinal barriers as well as bring about transformational change, similar to other social constructionist and critical theory (Roberts, 2013). Thinking back to Keith's (1996) assertion of negative societal attitudes being the biggest disadvantage to being disabled, this model inherently addresses a main concern for people with disabilities.

When Michael Oliver (1996) first developed the social model of disability in 1990, the disability rights movement was "on the rise in the United States" and various disability rights organizations were conducting grassroots organizing with the aim of achieving accessible transportation, gaining independent living support, and at Gallaudet University, a postsecondary institution for the deaf, students engaged in civil disobedience with the goal of "winning the first deaf president in their 124-year history" (McNulty, 2013, p. 1). The social model of disability, in seeking transformative change, focuses on barriers that, once eliminated, create accessibility – and therefore, through

removal and by the design of future accessible spaces and services, eliminate the notion of a ‘disabled’ person. The social model of disability would then support Robert’s (2013) argument that the “responsibility for educators and service providers is to create an accessible learning environment” (p. 8). This kind of responsibility for accessibility would intuitively cover all components of education, from marketing an institution to the course content available online to students. McNulty (2013) asserts that in developing the social model of disability, it “was not intended to be a social theory but rather to be used as a tool to bring about political change, allowing for collective organization, and as an alternative to the individual/medical model” (p. 2). The social model of disability aligns well with social movement theory as a frame of reference for understanding accessibility and the model also serves to anchor other accessibility concepts, such as universal design, which are discussed later in this chapter. Before turning to those concepts and their impact, an overview of the rise of legislative protections for people with disabilities follows, as these serve as the legal framework for the formal complaint processes advocates have access to for resolving inaccessibility.

The Rise of Legislative Protections and Disability Law

The history of disability law in the United States is a testament to the gradual recognition of the rights and needs of individuals with disabilities and also reflects the country's evolving understanding of disability rights. While there are both federal and state laws that address disability rights, the most salient legislative measures relevant to accessibility and disability protections in higher education are summarized below.

Early Legislative Protections

Over the years, legislative measures, landmark laws, and judicial rulings have shaped the landscape of disability rights, from prohibiting discrimination to promoting equality, accessibility, and inclusion for disabled individuals. Early on, the legal treatment of individuals with disabilities in the United States was often discriminatory and exclusionary and people with disabilities faced societal stigmatization, often resulting in institutionalization. As the country emerged from two world wars and the Great Depression, a series of events brought disability rights to the forefront of public consciousness, including the passage of social reform and benefits programs such as the Social Security Act (SSA) of 1935 which aimed to help children with disabilities and the return home of war veterans with service-related disabilities (Nielsen, 2013). A series of Rehabilitation Acts in 1918, 1943, and 1945 expanded vocational rehabilitation services and established the Office of Vocational Rehabilitation (OVR) within the Federal Security Agency. These also directed federal funding for vocational rehabilitation services to assist individuals with disabilities in gaining employment and marked the beginning of a shift toward recognizing the potential and capabilities of people with disabilities and offering support for their inclusion into society. Nielsen (2013) explains the establishment of the Social Security Disability Insurance (SSDI) program in 1965 as another significant development, as SSDI provided financial assistance to disabled individuals who were unable to work due to their disabilities and ensured a basic level of economic security.

The Rehabilitation Act of 1973

It was not until 1973 that groundbreaking legislation was enacted, forever changing the landscape of disability rights. The Rehabilitation Act of 1973 was the first comprehensive federal law prohibiting discrimination against people with disabilities (United States Department of Justice, Civil Rights Division, Disability Rights Section, 2020). Section 504 of the Rehabilitation Act became a cornerstone of disability rights, stating that "no individual with a disability shall be excluded from participation in or be denied the benefits of any program or activity receiving federal financial assistance" (para. 30). Section 504 had a profound impact on promoting accessibility and equality for individuals with disabilities in areas such as education, employment, and government services, as it required recipients of federal funding to make reasonable accommodations to ensure equal access and participation for individuals with disabilities.

The Americans with Disabilities Act of 1990 and Subsequent Amendments

In 1990, the Americans with Disabilities Act (ADA) was signed into law, representing another significant milestone in the disability movement's fight for legislative protections. The ADA prohibits discrimination on the basis of disability in various areas, including employment, public accommodations, transportation, and telecommunications and it requires employers, businesses, and public entities to provide reasonable accommodations and make their facilities accessible to individuals with disabilities (United States Department of Justice, Civil Rights Division, Disability Rights Section, 2020). Title I of the ADA focuses on employment, prohibiting discrimination against qualified individuals with disabilities in hiring, promotion, and job-related activities. It also requires employers to provide reasonable accommodations to enable

individuals with disabilities to perform essential job functions. Title II of the ADA applies to state and local governments, prohibiting discrimination and requiring accessibility in public services, programs, and activities. This includes access to public transportation, government buildings, and services such as voting and public education. Title III of the ADA addresses public accommodations and commercial facilities, requiring businesses and organizations that are open to the public to remove architectural barriers and provide equal access to goods, services, and facilities. This includes restaurants, hotels, theaters, and retail stores, among others. Title IV of the ADA focuses on telecommunications, requiring telephone and television companies to provide relay services and closed captioning for individuals with hearing impairments.

The ADA has been instrumental in promoting inclusivity, equal access, and non-discrimination for disabled individuals and the ADA Amendments Act (ADAAA) of 2008 further strengthened the ADA by expanding the definition of disability, ensuring a broader coverage of individuals with impairments that is less restrictive. This amendment clarified that the focus should be on providing reasonable accommodations and preventing discrimination, rather than engaging in debates over the extent of an individual's impairment (Nielsen, 2013). In contrast, Dolmage (2017) argues that the ADA is presented as a giant leap in the area of disability rights, but it delivers little and requires a significant lift from those the legislation aims to protect, as enforcement is most commonly the result of allegations and complaints. The dynamic brings up a scenario where two players, in this case the complainant or excluded student and the institution, are left to self-regulate or self-referee, and the actual referee is in another room, only coming in when the less powerful of the two teams calls them in for help.

Mary Johnson (2003), a historian of disability activism history quoted in Dolman (2017), states that “critics of the ADA have successfully cast people who use the law as malcontents who hurt the rest of us. Many Americans have fallen for the argument that there are ‘disabled people’ and ‘the rest of us’— the former divided into the truly disabled (read: deserving but few) and the fakers” (p. 68). For all the advocates, the legislative measures, and their amendments have done, there is still much work to be done.

Parallel Protections: Landmark Court Cases

Although not directly related to the other legislative protections discussed in this section, to address lack of accessibility, disability rights organizations and advocates continue to play a vital role in raising awareness, lobbying for policy changes, and litigating cases to protect and advance the rights of disabled individuals. These efforts are crucial in ensuring that the promises of disability rights legislation are upheld and that disabled individuals can fully participate in society on an equal footing. Parallel to these legislative advancements, landmark court cases have played a crucial role in shaping disability law in the United States. One such case is the 1954 Brown v. Board of Education decision, which, although primarily focused on racial segregation, set an important precedent by ruling that separate educational facilities for individuals with disabilities were inherently unequal (Nielsen, 2013). The Olmstead v. L.C. case in 1999 further advanced disability rights by affirming the right of individuals with disabilities to receive services in the most integrated setting appropriate to their needs, as the Supreme Court held that unjustified segregation of individuals with disabilities in institutional settings constituted discrimination under the ADA (Carmel, 2020).

Section 508: The 1998 Amendment to the Rehabilitation Act of 1973

In addition to the ADA, another crucial piece of legislation addressing disability rights is Section 508 of the Rehabilitation Act Amendments of 1998, which is also the most applicable to the topic and work surrounding digital accessibility. Section 508 requires federal agencies to ensure that their electronic and information technology is accessible to individuals with disabilities, and it covers areas such as websites, software, hardware, multimedia, and documentation (United States Department of Justice, Civil Rights Division, Disability Rights Section, 2020). Section 508 sets accessibility standards that federal agencies must follow when procuring, developing, and maintaining technology to ensure equal access and usability for disabled individuals. Section 508 standards include requirements for accessible web content, such as providing alternative text for images, ensuring proper document structure for screen readers, and captioning for multimedia, while also covering other aspects of digital accessibility, such as compatibility with assistive technologies and the design of accessible user interfaces (United States General Services Administration, 2020).

Kimura (2018) explains that while the ADA pushed an awareness of accessibility issues across the public and private sectors, these guidelines focused primarily on physical barriers, since the internet as it is known today was unknown at the time. Because of this, many accessibility advocates pushed for the development of legislative protections around online and digital spaces, which resulted in the development of Section 508 as the primary means of regulating internet and electronic technologies. The enforcement of Section 508 is overseen by the U.S. Access Board, an independent federal agency responsible for developing accessibility guidelines and standards, and the Access

Board periodically updates the Section 508 standards to keep pace with advancements in technology and ensure that federal agencies meet their accessibility obligations (United States Department of Justice, Civil Rights Division, Disability Rights Section, 2020). In education, more specifically, the Department of Education's Office for Civil Rights has jurisdiction over formal complaints and issues of compliance, discussed later in this chapter.

Section 508 of the Rehabilitation Act of 1973 has had accessibility rules in place covering Information and Computer Technology (ICT) since 2000 and the U.S. Access Board started working on a "refresh" in 2008, with notices of proposed rulemaking issued in 2010 and 2011, the actual proposal made in 2015, and the final rule implementation being issued in 2017 and compliance required for all U.S. government sites on January 18, 2018 (Kimura, 2018). While compliance comes after a year of final rulemaking, it was 10 years since the initial notices were issued, and more than 17 years since ICT rules were introduced (Wang, 2017). This most recent update which went into effect in January 2018 aims to make the guidelines more sustainable through technological innovations; to make the law's requirements easier to follow; and to incorporate current Web Content Accessibility Guidelines (WCAG) for websites and other electronic software and documents (Kimura, 2018). Despite these regulations and guidelines having been in place for a decade or more, the fact remains that many online resources, including education-related content, remain insufficiently or entirely inaccessible for some users with permanent or temporary disabilities. The Department of Justice (2022) recently announced their intent to publish a Notice of Proposed Rulemaking (NPRM) to "amend its Title II ADA regulation to provide technical standards to assist public entities in

complying with their existing obligations to make their websites accessible to individuals with disabilities" (para. 1). The Department is proposing technical requirements to provide concrete standards to public entities on how to fulfill their obligations under Title II to provide access to all of their services, programs, and activities that are provided via the web. The continued challenges of enforcement and compliance are explored below and in the later discussion on digital accessibility and higher education, followed by an analysis of general disability services and how the work of accessibility is carried out in postsecondary settings.

Enforcement of Disability Legislation in Higher Education

For legislative measures, and in turn requirements to actually work, methods of regulation, compliance - essentially, accountability - are needed. The next section explores what the regulations of the legislative measures actually require, who is responsible for enforcement, and how enforcement is carried out.

Applicability of Disability Laws to Postsecondary Settings

The federal laws described in earlier sections all have varying focus in what accessibility issues they address in postsecondary settings. Section 504 of the Rehabilitation act, the oldest, is tied to an institution's federal financial aid dollars and federal funding in general, making it applicable to colleges and universities by contract and it is the most widely applicable regulation for most postsecondary questions of accessibility; it is enforced by the U.S. Department of Education's Office for Civil Rights (OCR), the Department of Justice (DOJ), and private plaintiffs through court processes (Grossman, 2022). The Americans with Disabilities Act (ADA) has multiple titles applicable to postsecondary institutions (Grossman, 2022). Title I applies to colleges and

universities with more than 25 employees, as it addresses employment concerns and is enforceable by the Equal Employment Opportunity Commission and plaintiffs via court processes, while Title II applies to public entities such as state universities and community or state colleges and addresses most postsecondary questions concerning students who are Deaf, hard-of-hearing, low-vision, or blind, and includes the issue of digital accessibility. Title II is enforceable by OCR, DOJ, and private plaintiffs via court proceedings. Title III covers public accommodations, including private schools, and may be investigated by OCR but enforcement is primarily through DOJ and private plaintiffs, these regulations and accompanying guidance address disability documentation and testing accommodations.

Section 508, the most recent addition to the Rehabilitation Act to address digital accessibility, does not automatically apply to postsecondary institutions even if they receive federal funding; however, states receiving federal funding under the Assistive Technology Act of 1998 are required to comply, which includes states like Georgia and Florida (University System of Georgia, n.d.; Disability Rights Florida, n.d.). In Florida, Florida Alliance for Assistive Services and Technology (FAAST) is administered through the Florida Department of Education, Division of Vocational Rehabilitation and is federally funded by the Administration on Community Living under the Assistive Technology Act to increase access to and acquisition of assistive technology and services (Florida Alliance for Assistive Services and Technology, n.d.).

Grossman (2022) explains the coverage of the laws above, asserting that they "apply broadly" and "protect a wide range of individuals" (para. 17-18). At colleges and universities, they address any program or activity, both on- and off-campus, whether the

activity is academic or not, and it includes clinical and field placements, athletic events, school-sponsored social events, and activities across modalities - whether these are in-person or virtual. The laws apply to students, but in most instances, it also covers applicants and potential students or recruits, parents and visitors or programs and activities - for example, a deaf guest at commencement - as well all employees and persons invited to programs and activities, such as book fairs, concerts, speaker series, and ceremonies.

Enforcement and Compliance

Enforcement of disability law can take place through formal complaints to regulatory agencies, such as the Department of Education's Office for Civil Rights (OCR) or the Department of Justice (DOJ) and through private lawsuits. Referrals to OCR or DOJ are typically either or, with OCR typically serving as the receiving agency and then referring complaints or cases that are under the jurisdiction of the DOJ to that agency (Office for Civil Rights [OCR], 2022). Likewise, in situations regarding employment discrimination, OCR will refer to the Equal Employment Opportunity Commission (EEOC). Leveraging the complaint resolution process through OCR does not preclude a complainant from pursuing a concurrent private lawsuit. In most cases, complaints to OCR are the first level of escalation beyond an institution's grievance process and the most used, and while challenging to navigate as an institution, the costs associated with other forms of redress or relief, like a lawsuit, would be far more damaging. As such, this study's focus is on complaints to OCR as this would have broader applicability to institutions facing digital accessibility issues. Enforcement through OCR typically results in a resolution agreement through a full investigation, or

through one of OCR's alternative resolution processes, which can bring about injunctive relief and address out-of-pocket expenses, such as tuition monies (Grossman, 2022). Injunctive relief essentially means that the institution is ordered to stop engaging in discriminatory activity. If there is no resolution settlement reached via OCR, a case may proceed to an administrative hearing or a court trial, which can put an institution's access to their entire slate of federal funding at significant risk, and if it reaches the court hearing, may result in large punitive damages and fines (Grossman, 2022).

OCR (2022) publishes a Case Processing Manual (CPM) which outlines agency procedures for investigating and resolving complaints and carrying out Compliance Reviews and Directed Investigations. Compliance Reviews and Directed Investigations are initiated by OCR as detailed in their CPM document. Boyce et al. (2015) explains that a Compliance Review "traditionally consists of a top-to-bottom review of the school's practices and procedures relating to one or more areas of concern for OCR," and they argue that these have become more common following a complaint-initiated investigation (p. 2). In their 2015 report, Boyce et al. also underscored the recent addition of Directed Investigations as an OCR compliance tool and explained that these occur "when a report or other information indicates a possible failure to comply with the regulations and laws enforced by OCR," and they argue these were previously rare but have become more common and are typically related to media reports of discrimination or failure to comply (p. 3).

Complaints, on the other hand, are externally generated, and may be submitted by contacting one of 12 local OCR enforcement offices across the United States to obtain a complaint form, by using the online complaint form, or by writing an email or letter to

the OCR enforcement office to set forth the complaint and complaints "should include a written explanation of what happened; identification of the person(s) or group injured by the alleged discrimination; and identification of the school or institution alleged to have discriminated. (OCR, 2020; OCR, 2022, p. 5). Appendix B is the OCR complaint form available for download from their website. Individuals can submit this form by downloading and completing a fillable PDF version or by submitting the online, web-based version of the complaint form. Regardless of how the complaint is submitted, whether the fillable PDF version, the online web-based version, or via an email or letter, OCR asks complainants to address the same 15 items or topics:

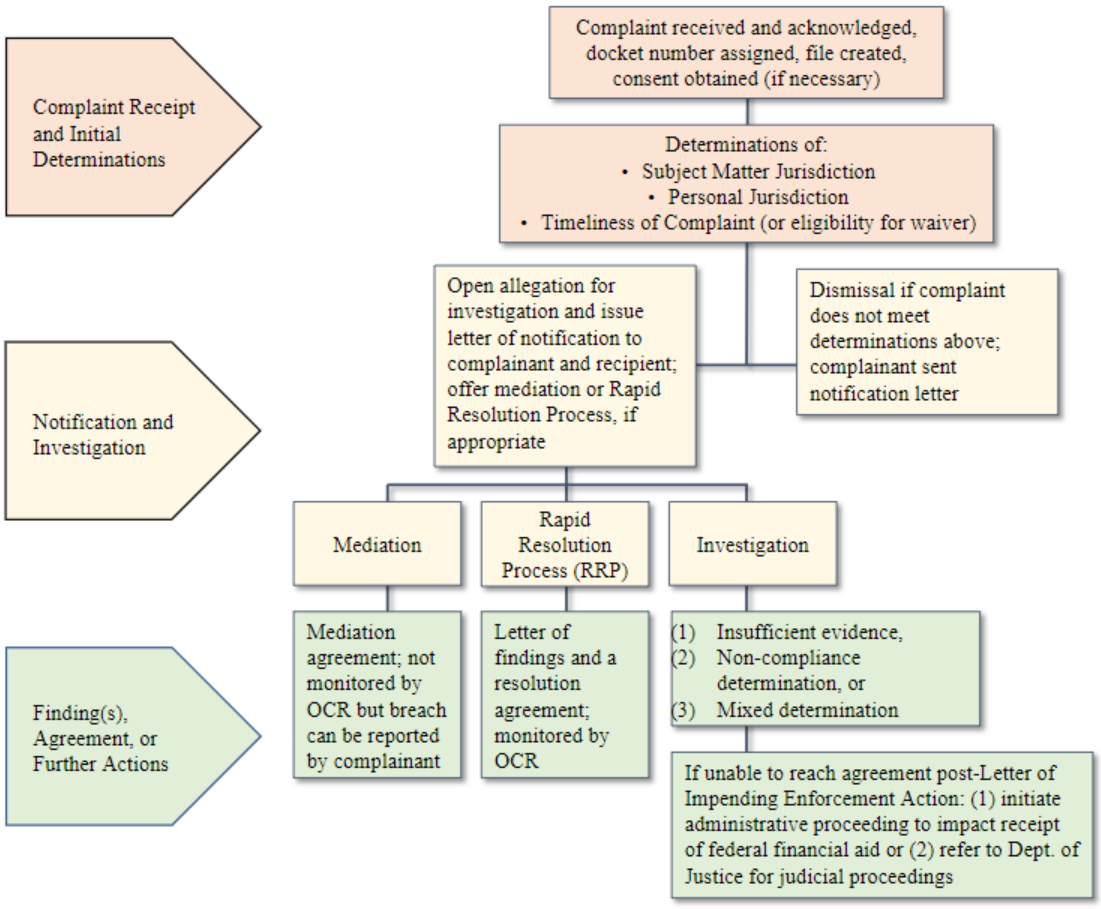
1. The name and contact information for the person filing the complaint.
2. The name and contact information for the person discriminated against if different from the complainant.
3. The institution's information.
4. The type of discrimination (i.e., based on race, color, national origin, sex, disability, age, retaliation, a violation of the Boys Scouts of America Equal Access Act).
5. A description of the discriminatory act(s), including the date(s), name(s) of persons involved, and why it is believed to be based on one of the categories above, as well as any witnesses.
6. A description of any documents or other materials related to the complaint.
7. The most recent date of the discrimination.
8. An explanation of any request for a waiver of the 180-day filing requirement.

9. A declaration of any other complaint submitted to any other entity about the complaint identified in this submission.
10. A declaration of any filing with any other Federal, state, or local civil rights agency.
11. The contact information for any lawyer representing the complainant.
12. The contact information for another person in case OCR is unable to reach the complainant.
13. Notification if the complainant is interested in early mediation.
14. The remedy being sought from the institution.
15. A dated signature for the submission.

Once a complaint is received, it is reviewed by the enforcement office to determine if it meets the requirements for a complaint. First, a docket number is assigned, and a file established. Then OCR will proceed to determine if there is a need to obtain consent to collect additional information, if the complaint meets subject matter jurisdiction, personal jurisdiction, and if the allegation is timely or merits a waiver of the 180-day filing requirement (OCR, 2022). Subject matter jurisdiction refers to whether the law being allegedly violated falls under the jurisdiction of OCR (e.g., Section 504, Title II of the ADA), and personal jurisdiction refers to whether OCR has enforcement authority over the entity alleged to have discriminated against the complainant. Complaints are either dismissed or opened for investigation, at which point a letter of notification is issued; in a dismissal, only the complainant receives a letter (see Figure 1).

Figure 1:

Overview of Office for Civil Rights (OCR) Case Processing Steps



Note: The figure above provides a visual organization of the procedures outlined in the OCR (2022) Case Processing Manual.

The end goal of any investigation is a resolution, and the OCR Case Processing Manual (2022) describes two alternative resolution processes (ARP) that can be offered to the parties involved at any point in the evaluation of the complaint or during the course of the investigation: mediation ending with a mediation agreement or the Rapid Resolution Process (RRP) ending with a letter of findings and a resolution agreement to be monitored by OCR. Complaints that proceed through a full investigation without any

of the ARPs described above will end in either a determination of (a) insufficient evidence, (b) non-compliance determination, or (c) mixed determination, where multiple allegations are resolved through a mix of methods above. If non-compliance is determined, there is a negotiation period, and if the recipient does not enter into a resolution agreement within the delineated timeframe, OCR will issue a Letter of Impending Enforcement Action. If unable to reach agreement post-Letter, OCR (2022) "will initiate enforcement action by (1) initiating administrative proceedings to suspend, terminate, or refuse to grant or continue federal financial assistance;" or "(2) referring the case to DOJ for judicial proceedings to enforce any rights of the United States under any law of the United States" (p. 23).

Postsecondary Requirements and Disability Services in Higher Education

The provision of services to students with disabilities in the postsecondary setting has evolved significantly over time, driven by legislative changes, social movements and self-advocacy, regulatory enforcement as described above, and an increased awareness of the rights and needs of individuals with disabilities (Wang, 2017).

Postsecondary Access and Legislative Measures

The previously discussed legislative measures inform the legal requirements of accessibility in higher education. The passage of Section 504 of the Rehabilitation Act of 1973 marked a crucial turning point for students with disabilities in higher education as it mandated equal access and reasonable accommodations for students with disabilities in postsecondary institutions (Civil Rights Division, Disability Rights Section, 2020). The ADA and ADAAA further solidified the rights of individuals with disabilities, including students, by prohibiting discrimination based on disability in various domains, including

public accommodations and educational institutions. Title II of the ADA specifically requires postsecondary institutions to provide reasonable accommodations and ensure equal access for students with disabilities (Wang, 2017). Finally, while not directly regulating accessibility, the Higher Education Amendments Act of 1998, includes provisions for students with disabilities in higher education and emphasized the importance of access to educational opportunities for students with disabilities and required institutions to provide reasonable accommodations, support services, and auxiliary aids to ensure equal access (Fountain, 2023). These legislative measures support access to postsecondary opportunities for students with disabilities, but overall research suggests that increased special education services in primary and secondary schools, commonly referred to as K-12 settings, have also led to an increase in students with disabilities in postsecondary education, and this trend is likely to continue in the future (Ju et al., 2017; Parker Harris et al., 2019). The Individuals with Disabilities Education Act (IDEA) (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) is responsible for the increase in special education services in K-12 settings, as it "requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs" (United States Department of Justice, Civil Rights Division, Disability Rights Section, 2020).

Postsecondary Disability Services

In spite of all these measures leading up to the transition to college or postsecondary settings, students with disabilities (SWDs) face a different landscape in accessing support once they arrive. Gould et al., (2019) explain that SWDs face unique

barriers in “accessing and being included in higher education,” which may include programmatic, social, and structural barriers. Programmatic barriers are related to the overall academic experience of a student - from coursework to curriculum designs. Structural barriers are more procedural in nature, such as the documentation requirements for service eligibility or the need for students to self-disclose and actively seek services in order to receive them, as opposed to the systems in place in K-12 through IDEA, which require school systems to actively identify students with disabilities and arrange services. The Office for Civil Rights (OCR) (2011) explains that “a postsecondary student with a disability who is in need of auxiliary aids is obligated to provide notice of the nature of the disabling condition to the college and to assist it in identifying appropriate and effective auxiliary aids,” in contrast to K-12, where teachers and other school staff, oftentimes in coordination with parents or guardians, would arrange support services. In postsecondary settings, students themselves must identify their needs and actively participate in the discussion regarding needed auxiliary aids and services. Auxiliary aids and services, also referred to interchangeably as accommodations, is the formal term used in the disability-related regulations, which are standards and rules adopted by administrative agencies that govern how laws will be enforced. In this context, auxiliary aids are devices and services that

> may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. (OCR, 2011)

Services is an umbrella term for the provision of these aids in support of SWDs.

Most colleges and universities have established Disability Services Offices (DSOs) or similar offices with different names to support SWDs. These offices are responsible for coordinating and implementing accommodations, services, and support for students with disabilities. Harbour (2014) studied data from an Association on Higher Education and Disability (AHEAD) survey of 424 postsecondary disability services (DS) administrators to examine how campus and office characteristics of DSOs may vary with disability services placement in academic or student affairs. The results of this survey suggest that only modest differences exist, and that disability service offices provide opportunities for collaboration across units and may serve as a model for collaboration in higher education. DSOs serve in many capacities, both as a support to the student seeking services and as a steward of the institution's compliance with legal obligations (OCR, 2011). In support of SWDs, DSOs are generally responsible for determining eligibility by reviewing requests for services and documentation, implementing and coordinating accommodations or auxiliary aids and services, collaborating with and providing guidance to faculty and staff to ensure materials, facilities, and technologies are accessible, and advocating for SWDs while helping them navigate campus resources and addressing concerns and issues related to accommodations or accessibility (Harbour, 2014). DSOs, often in collaboration with technology offices, stay abreast of emerging technologies and their potential to enhance accessibility for students with disabilities and includes exploring new assistive technologies, accessible learning management systems (LMS), captioning services, and other tools that support accessibility. DSOs are often responsible for offering training and professional development to raise awareness among

faculty, staff, and students about disability-related issues, accommodations, and inclusive practices. These programs aim to foster a supportive and inclusive campus culture and oftentimes include outreach to incoming students or potential recruits, to help build early rapport with future SWDs that may attend their institution. In a study by Lalor et al., (2020), they found that public institutions, particularly state and community colleges which are open access, most often conduct this type of outreach, as they generally expect to serve local students from their own community.

And because disability services are not a one-time process, DSOs typically provide ongoing support to students throughout their academic journey, conducting periodic reviews to ensure that the accommodations are effective and address any emerging needs or challenges. This ongoing and evolving approach to service delivery is the basis for what is referred to as the interactive process of determining effective accommodations and auxiliary aids (OCR, 2011). The interactive process begins with the student's request for services - and while the operationalization of that process may vary from one institution to the next and include different institutional stakeholders, students typically need to follow a process that includes: (a) the voluntary self-disclosure of their disabilities to the DSO, which is typically done by completing a registration form or requesting an appointment with a disability specialist; (b) the submission of documentation of their disabilities, which may include medical or psychological reports, diagnostic evaluations, or other professional assessments - these should establish the nature of the disability, its impact on major life activities, and the need for specific accommodations; (c) a consultation and assessment of their needs, where after submitting documentation, students meet with a disability specialist to discuss their needs,

experiences, and potential accommodations, here, the disability specialist may request additional information or evaluations if necessary; (d) the collaborative development of an accommodation plan, outlining approved accommodations and the process for requesting and implementing them; and lastly, (e) with the student's consent, the DSO typically provides faculty members with a confidential notification outlining the approved accommodations without disclosing specific disability information (Harbour, 2014).

Professional Standards and Universal Design

The Association on Higher Education and Disability (AHEAD) developed professional standards on the primary purposes of DSOs described above, but beyond that, they strongly recommend for disability services teams to "move beyond compliance with the law to building an inclusive environment," by learning about universal design, centering the voices of students receiving services, increasing collaboration across their campuses, and reviewing and revising policies that are more aligned with the social model of disability (Gould et al., 2019). In many ways, DSO staff engage as mediators in the negotiations between the various stakeholders involved in the implementation of an accommodations plan: the student, the faculty, the service providers, and many others. As part of the work related to creating awareness and exploring emerging technologies and approaches to accessibility, DSOs do often engage in work across their institutions regarding Universal Design for Learning (UDL), which emphasizes creating inclusive and accessible learning environments that benefit all students through the design of courses, instructional materials, and assessments that are flexible and can be accessed by diverse learners (Lalor et al., 2020). UDL, much like the related concept of human-

centered design, is an accessibility framework based on the principles of Universal Design (UD), and is influenced by the work of Ronald Mace and the Centre for Universal Design which conceives Universal Design as: 'the design of products and environments to be usable by all people to the greatest possible extent' (Centre for Universal Design, 1997). The seven principles of UD are: Equitable Use, Flexibility in Use, Simple and Intuitive Design, Perceptible Information, Tolerance for Error, Low Physical Effort, and Size and Space Appropriate for Approach and Use (Center for Universal Design, 1997). These principles were initially conceptualized in relation to architecture and physical accessibility, but at their core, are about keeping users in mind from the beginning of the design process instead of being as afterthought (Seale et al., 2022).

Gould et al. (2019) allude to a noticeable tension between the theoretical and practical approaches to models of UD and the framework of accommodations. The process of providing accommodations has faced criticism for being reactive and potentially reinforcing the stigma and segregation experienced by students with disabilities, while on the other hand, some argue that UD in its purest form is not always feasible due to the diverse and unpredictable nature of access needs among students. However, researchers have found that a combination of UD and accommodation strategies can effectively adapt learning environments and complement each other to improve access to higher education for students with disabilities (Seale, 2006). UDL in education is about anticipating student needs, but not about eliminating the framework of accommodations, but with good design, minimizing the need for them; it also diminishes the need for students to continuously have to advocate for themselves, for example, whenever an uncaptioned video is shown in class, and it offers a way to implement the

prescriptive guidance available from the most commonly applied ICT standards: the Web Content Accessibility Guidelines (WCAG) presented by the World Wide Web Consortium. Horton (2021) and Shinohara et al. (2018) argue that while advocates or DSOs commonly lean on empathy and the concept of inclusive design to make accessibility urgent and relatable, relying on these to achieve accessible outcomes is unrealistic, as these cannot sustain the level of commitment and attention required for this kind of work and in order to resolve the question of why design must be accessible, there is a need for requirements, not just guidelines, and professionalism. This speaks to the urgency and need for addressing the gaps and inequities related to digital accessibility through a systems and system-wide approach, as stop-gap measures and siloed approaches have not resulted in the needed and required accessibility measures.

Digital Accessibility and Postsecondary Institutions

According to Smith (2008), most online activities are conducted through web-based interfaces and the most common interface or program is a "web browser", and while there are principles, technical standards, and best practices that apply to web "server applications (the software that provides data) and web browsers (the software that consumes data)," these standards did not necessarily include "provisions for use by individuals with visual, aural, motor, or cognitive disabilities" (p. 2). In other words, people with disabilities who find the current iterations of the web inaccessible, were simply not thought of or not included in the designing of many web pages, and by default, have been excluded from many of its benefits.

Dolmage (2017) points to the insidiousness of ableism to explain why institutions and structures, including higher education, are driven to exclude people with disabilities -

and why they are often the subjects of study but not the "purveyors of the knowledge base of disability" (p. 4). He argues "ableism makes able-bodiedness and able-mindedness compulsory," making disability, the other and the thing to be avoided, particularly in higher education where perfection, ability, and achievement are glorified. Smith (2008) provides a brief overview of how digital accessibility would look like, or the accommodation needed in order to make a page accessible, for a variety of disabilities, where he explains that:

> Individuals with visual disabilities require web pages that exhibit logical tab ordering, textual descriptions of images (both moving and static), consistent. naming of frames and other objects, and links to web browser plug-ins. Individuals with aural disabilities require web pages that contain closed captioned speech and non-aural cues for sounds that needed for equivalent use as compared to an individual with no aural disability. Individuals with motor disabilities cannot access web pages that flash on a regular basis (can cause seizures) or cannot accept input with alternate (non-mouse) input devices such as keyboards. (p. 1)

Kimura (2018) argues that at its most basic, an accessible resource refers to one that eliminates obstacles to access. In physical spaces, this could involve features like ramps instead of stairs or the inclusion of tactile and audible signals at street crossings. In the digital domain, accessibility is commonly understood to encompass both usability and technical aspects. Theoretically, the internet eliminates barriers to communication and understanding that individuals may encounter in the physical realm, yet in practice, numerous websites and tools introduce various forms of obstacles, making their content inaccessible to a significant number of potential users. She further argues that in a two-

digit system of ones and zeroes, there should be an advantage to its simplicity. Wentz et al. (2011) said it best: “there is nothing inherently visual or auditory about zeros and ones” (para. 4). And while standards and accessibility guidance are available, and legislation such an amendment ("Section 508") to the Rehabilitation Act of 1973 mandates compliance with accessibility standards for federally funded entities, implementation of accessible design is still not widely seen (Adam & Kreps, 2006).

Growing Inaccessibility

While concerns about digital accessibility span broad areas of life, from bill payments to social networking, the concerns in higher education and postsecondary institutions are even more urgent. As most colleges and universities receive funding from the federal government in the US, whether related to programmatic funds or student financial aid, postsecondary institutions are required to comply with the standards set forth by Section 508 of the Rehabilitation Act. Various studies show that despite the responsibility of accessibility being on educators and institutions, a disproportionate number of colleges and universities have inaccessible websites and are becoming increasingly inaccessible as the web sites grow in size (Adam and Kreps, 2006). Bradbard and Peter (2010) also emphasize the significance the web plays in postsecondary education, as more faculty increasingly use the web to host course content by developing and maintaining their own faculty webpages and now require students to access individual faculty webpages to access their class syllabus, lecture notes, and assignment guidelines and rubrics. While the web provides faculty a centralized place to host all their course material and easy access for some students, the probability of a student with a disability encountering inaccessible content rises as more and more content

is posted online and developed independently by individuals with potentially less familiarity with digital accessibility requirements. In higher education, digital accessibility intersects with things like course and class lecture content that is posted or accessed via a learning management system (LMS) such as Blackboard or Canvas, communications and marketing outreach, social media, the school's website and various portals, and would include different types of media from websites to video, image, audio, and written files.

As inaccessible content has been growing, so too, have the number of students with disabilities who enrolling in postsecondary education, in part due to a disability rights movement advocating for inclusion in the US, which leveled the playing field for prospective students with disabilities that might have otherwise not enrolled in prior decades (National Center for Educational Statistics, 2016). One reason that may explain why postsecondary institutions are experiencing higher rates of litigation related to digital accessibility is, while only a portion of people with disabilities attend colleges and universities, most, if not all of them, will have to access some online content throughout their postsecondary educational experience. And faculty are expressing concerns about not having the necessary time or support to stay aware of accessibility practices to serve these students with disabilities who are potentially unable to navigate institutional or faculty webpages (Bradbard & Peter, 2010). Moreover, even when institutions invest in potentially accessible learning management systems such as Blackboard or Canvas to host course content, and accessible templates are provided to faculty, the content itself, if faculty is not aware of accessibility issues, can unknowingly post an image without a text description or a video without captions (Kurt, 2018). While various guidelines and

frameworks exist to guide universities and colleges on how to implement digital accessibility best practices, such as the Web Content Accessibility Guidelines (WCAG) developed by the World Wide Web Consortium (W3C) or the working model by Cifuentes et. al (2016) for making online learning accessible, institutions still struggle with accessibility (World Wide Web Consortium, 2018).

WCAG 2.0 serves as an internationally recognized and technology-neutral standard for ensuring web content accessibility. Developed over a significant period, it was formalized in 2008 to aid organizations and developers in creating web content and tools that are free from barriers. WCAG 2.0 provides guidelines under four principles—perceivable, operable, understandable, and robust—offering information and instructions on how to make content accessible. The guidelines are further categorized into three levels of success criteria (A, AA, and AAA) (World Wide Web Consortium, 2018). Although WCAG 2.0 is considered the benchmark for accessibility, it has faced criticisms. Clark (2006), once part of the WCAG revision team, criticized the W3C for lack of transparency and overemphasis on corporate interests. He highlighted the inaccessibility of the process itself for users with impairments and those without English proficiency or resources to participate in international meetings. The complexity of the document explaining WCAG 2.0 compared to the specification itself indicated a convoluted development and implementation process. Kreps and Goff (2015) considered WCAG 2.0 somewhat irrelevant due to flaws in its creation process, despite acknowledging its technical success. Yesilada et al. (2015) conducted extensive interviews and discovered a lack of consensus on the meaning of digital accessibility, with agreement that guidelines alone are insufficient. Despite these criticisms and its age,

WCAG 2.0 remains widely regarded as the "gold standard" for measuring accessibility (Yesilada et al., 2015).

Legal Challenges to Digital Inaccessibility

Bong and Chen (2021) conducted a systematic review of the existing literature on faculty training to increase competence in delivering accessible, inclusive digital learning environments. They found that while most training programs covered primary topics such as disability awareness, legislation, and methods for creating accessible and inclusive content, training outcomes were only assessed through surveys or interviews not through a more objective method, such as an assessment of the accessibility of participant generated content or artifacts. In many cases, the training was not followed by additional accountability measures. In Lewin's (2015) interview with Samuel Bagenstos, a University of Michigan law professor and formerly a principal deputy assistant attorney general in the Justice Department's Civil Rights Division, Bagenstos explains that making systemic progress toward accessibility in postsecondary settings "requires making changes in bureaucratic routines, and in big institutions, there's resistance to deviating from the routines" (para. 13).

Complaints and Lawsuits

In the past, invoking the Americans with Disabilities Act of 1990 or the Section 508 regulations in a legal action has been related to physical spaces, such as inaccessible buildings or parking spaces. But according to Wang (2017), a flurry of lawsuits have been filed regarding barriers to digital accessibility since 2015. The University of Minnesota (2018), which employs an accessibility work group and research team, has documented and catalogued complaints, lawsuits, and settlements or decisions from the

Office for Civil Rights against 37 institutions of higher education, some with multiple lawsuits or complaints filed against them. In a study examining the website accessibility of a random sample of 325 two-year Title IV institutions in the United States, Taylor and Bicak (2019) found all institutions had at least one Level-A error *just* on their homepage, potentially violating new ADA guidelines. This study was done prior to the onset of the COVID-19 pandemic, where institutions hastily transitioned most of their catalog of offerings and programming to some kind of online delivery modality. It is no surprise that the Office for Civil Rights (OCR) indicates that there has been an increase in the number of complaints related to digital accessibility in postsecondary settings in recent years, and in the 2019 fiscal year, the OCR received 76 complaints related to website accessibility in postsecondary settings, a marked increase from the 43 complaints received in the previous year, 105 complaints related to online course materials and 13 complaints related to electronic book readers (United States Department of Education, Office for Civil Rights [OCR], n.d.).

For example, a national advocacy organization for the deaf sued Harvard and the Massachusetts Institute of Technology (MIT) for having online content posted without captioning, while in 2017 lawsuits against eight different institutions were filed by one plaintiff over the course of two weeks in federal court in New York, alleging that the institutions websites were inaccessible using a screen reader as assistive technology (Wang, 2017; Lewin, 2015). The cases at institutions like MIT and Harvard highlight the increasingly important role of online materials - both institutions have extensive materials available free online on platforms like YouTube, iTunesU, Harvard@Home, and MIT OpenCourseWare; both schools are also founding partners of edX, a nonprofit that offers

dozens of MOOCs, or massive open online courses, free to students and individuals around the world. Just in the US, lack of captioning on videos precludes approximately 48 million Americans who are deaf or hard of hearing - nearly one out of five people - from access to this content (Lewin, 2015).

Furthermore, Wang (2017) reports that a disability law and policy director explained that "as more and more students are aware of their rights, and as websites have become so much of what universities now focus on, it's not surprising" to see an increase in lawsuits and formal complaints (para. 6). This is multiplied by the ever-changing landscape of technology - especially the proliferation of educational technology that is procured from third parties by institutions, from co-curricular apps to courseware. And while many colleges and universities have developed accessibility checks and procurement accessibility checklists or steps for items purchased by the institution, these measures are rarely applied to digital courseware which is often selected by faculty under the auspices of academic freedom without coordination from accessibility staff in IT or disability services offices (McKenzie, 2019). In 2019, the Los Angeles Community College District was ruled against in a discrimination lawsuit brought forward by the National Federation of the Blind on behalf of two blind students; the Federal District Court for the Central District of California ruled that "the college district had breached Title II of the Americans With Disabilities Act and Section 504 of the Rehabilitation Act as it failed to provide accessible course materials to the students" (para. 3). This case specifically addressed the use of mathematics courseware, but many products across disciplines and publishers, including the largest publishing companies, fall into this category. And while the legal responsibility lay at the feet of the institution, the ruling did

emphasize the role publishers play in disseminating inaccessible course materials. In the civil rights complaint brought forth against University of California, Berkeley, the Department of Justice's Civil Rights Office found that by not providing accommodations such as captioning in free video content and podcasts, the institution was in violation of disability law (University of Minnesota, 2018). Wang (2017) explains that as a result, "Berkeley responded by taking down more than 20,000 publicly accessible videos and audio files, a move administrator had called 'unenviable' but unavoidable given the 'extremely expensive' cost of compliance" (para. 19). Fulfilling Lewin's (2015) assertion that big bureaucracies lean toward slow change, many institutions' gut reaction to a formal complaint will be similar: take down the inaccessible content overall to avoid further issues.

But not all rulings are so clear cut, and in other industries, such as retail or food services, conflicting rulings have been handed down in different courts (Lumpkin & Moot, 2017). Wang (2017) explains that this creates "a legal gray area ripe for, depending on your viewpoint, either significant civil rights advances or exploitation by lawyers looking to make a quick buck through settlements" (para. 9). And while court rulings can impact individual entities to enforce digital accessibility, it places the onus on the person with a disability to seek out legal assistance and recourse in the form of legal action. Many disability advocacy organizations, including the National Federation of the Blind (NFB) and the National Association of the Deaf (NAD), pleaded with the government to revive the push for regulations in place of the mere guidelines that existed for Section 508 (Wang, 2017). And after several delays, the regulations associated with Section 508 that covers digital accessibility were removed from the agenda and were

placed indefinitely on hold (Lumpkin & Moot, 2017). It was not until January 2018 that final regulations and guidelines went into effect, following final publishing in March 2017 (Section508.gov, n.d.). For the gap between the addition of Section 508 to the Rehabilitation Act of 1973 and its final implementation in 2018, stakeholders involved with inaccessible content were often left to make choices based on their own personal decision-making structures. In the next section, theoretical frameworks for explaining the problem of digital inaccessibility are discussed and explored.

Theoretical Frameworks

In this section, the conflicts surrounding digital accessibility will be analyzed via the application of social theories. Social theories offer an explanation for the why and how of a conflict. In the literature and empirical research surrounding digital accessibility, there are extremely limited references to social theories, with most peer-reviewed studies, articles, and texts focusing on models and conceptual frameworks, such as the Medical or Social Models of Disability, or the framework of Universal Design. While these are helpful in understanding some aspects of a conflict like digital accessibility, social theories provide the researcher with a way to navigate the conflict while using a guide, to better understand the various components or factors of the conflict, and they allow the researcher to predict conflict outcomes. According to Creswell and Creswell, “Researchers increasingly use a theoretical lens or perspective in qualitative research, which provides an overall orienting lens for the study of questions of gender, class, and race or other issues of marginalized groups” (2018, p.62). In the case of the complaints about digital accessibility in higher education submitted to the Office for Civil Rights, the complainants allege that there has been some instance(s) of disability

discrimination committed by the postsecondary institutions, namely, the inaccessibility of some digital content. The complainants, typically self-advocates or students working with organizations such as the National Federation of the Blind, seek to have the inaccessibility corrected and the issue addressed beyond the grievance process available at the postsecondary institutions. The conflict will be analyzed via the application of three selected theories that will provide insight into the elements of the conflict. Due to their overall applicability to conflict, the selected theories are Rational Choice Theory, Social Movement Theory, and Systems Theory. Each provides a lens through which to better understand the stakeholders involved in conflicts surrounding digital accessibility.

Rational Choice Theory

According to Louis et al. (2004), rational choice theory posits that individuals pick from among alternative choices based on the expected costs versus the potential benefits of each choice, choosing that action which provides the most effective cost-benefit and maximizes utility through the least amount of effort. That is, individuals make choices based on what action is going to get them to their goal most effectively, or at least they intend to act in a way that strives for this. And while the focus in rational choice theory is often "material self-interest," Rubin (1998) argues that "there is no logical reason why it cannot be applied to collective entities" and "an individual or organization can be instrumentally rational but seek to maximize some value other than material self-interest" (p. 1715). In the case of the students and those assisting them in pursuing legal action against institutions who continue to be inaccessible in terms of their websites or digital content, one could argue that the self-interest could be beyond what is material, as they often seek access and success at school. Alternately, self-interest is more

directly related to access to information. In this sense, rational choice explains the decision to pursue legal action or submit a formal complaint, as pursuing individual accommodation from the school may not result in an institution-wide resolution, as individual accommodations would be specific to the student and the specific request, as opposed to more systemic accessibility resolutions.

However, when considering rational choice as an explanation to address the behavior, response, or oftentimes, inaction of the postsecondary institutions, there is more evidence of material self-interest. Stienstra et al. (2007) argue that globalization and the rise of an information-based economy and society have exposed "tensions between the capitalist enterprises within the information technology (IT) sector and the advocacy organizations of the disability community that address the marginalization of people with disabilities in society" (p. 149). They further elaborate that IT companies have financial motivations that spur them toward profit. And as previously stated, postsecondary institutions, along with their own IT offices, often invoke the concern of cost and expense when accessibility is brought up (Wang, 2017). Cullipher (2017) explains that the expense associated with fixing institutional websites is a significant burden in terms of finances, time, and workforce, especially considering the limited resources typically available at public institutions. The cost of bringing a website into compliance varies depending on factors such as its size, the techniques employed, the number of individuals engaged in updating the digital content, and the accessibility of the technologies utilized. Consequently, Cullipher (2017) elaborates that expenses involved in achieving compliance can easily reach tens or even hundreds of thousands of dollars. Loaicono and Djamasbi (2013) found that a company's size and revenues were correlated to "the level

of website accessibility", essentially, that the more financial resources a company had, the more likely it was to address a more diverse number of issues, including digital accessibility (p. 119). Which again, is not surprising given the material resources that are often said to be involved in making existing web content accessible.

While Loaicono and Djamasbi's (2013) study also found a stronger correlation between accessibility legislation or regulations and actual digital accessibility, they argue that the reason accessibility is still limited is that "companies often gamble on the fact that it would be easier to simply design for the culturally defined 'norm' [people without disabilities] and hope that they do not get sued or receive negative publicity for their site's inaccessibility" (p. 120). Rational choice theory explains this gamble through the idea that people, or in this case, institutions, will choose the action based on the most effective cost-benefit, or at least, what they perceive as the most effective. Louis et al. (2004) explain that choices are often ranked quantitatively, and if an institution decides that the costs of accessibility do not outweigh the benefits or making something accessible for a small population, then they will likely only take on the issue of accessibility once a formal or legal sanction is threatened. Rational choice theory helps to predict the institutional behavior of noncompliance with accessibility, but Kurt (2018) questions if it works in terms of framing the behavior of the institution that proactively seeks to enhance the accessibility of their digital content, of which there are a few. In that same vein, Louis et al. (2004) elaborate that this theory "overpredicts anti-social behavior and underpredicts cooperation in social decision-making," therefore not accounting for institutions that might be motivated by other interests, such as concepts of fairness and equity (p. 112).

Social Movement Theory

When Michael Oliver first developed the social model of disability in 1990, the disability rights movement was "on the rise in the United States" and various disability rights organizations were conducting grassroots organizing with the aim of achieving accessible transportation, gaining independent living support, and at Gallaudet University, a postsecondary institution for the deaf, students engaged in civil disobedience with the goal of "winning the first deaf president in their 124-year history" (McNulty, 2013, p. 1). The social model of disability, in seeking transformative change, focuses on barriers, that once eliminated, create accessibility – and therefore, through removal and by the design of future accessible spaces and services, eliminate the notion of a 'disabled' person. The social model of disability would then support Robert's (2013) argument that the "responsibility for educators and service providers is to create an accessible learning environment" (p. 8). This kind of responsibility for accessibility would intuitively cover all components of education, from marketing an institution to the course content available online to students. McNulty (2013) also asserts that in developing the social model of disability, it "was not intended to be a social theory but rather to be used as a tool to bring about political change, allowing for collective organization, and as an alternative to the individual/medical model" (p. 2). While rational choice theory serves to understand the perspective of the conflict from both actors, with more evidence to suggest it is aligned with the institutional position, social movement theory is a rich avenue to pursue in terms of explaining the collective and replicated actions that have come from those who are most impacted by digital inaccessibility: the individuals and students who seek to consume the information available through digital

content. Social movement theory provides an effective lens through which to understand and advocate actions undertaken in an attempt to resolve the conflict of digital accessibility. According to Peters et al. (2009), social movement theory has long been used to conceptually understand disability rights movements and the circumstances that provide ripe enough conditions for these social movements to occur.

Barnartt and Scotch (2001) also aimed to understand the disability rights movement in the US that led up to the creation of the Americans with Disabilities Act (ADA). Peters et al., (2009) explain that social movements are long-term movements about achieving social change utilizing political processes and they are characterized by:

> clusters of overlapping networks and of individuals who share goals and collective identities. They use tactics that are non-normative 'contentious political actions' that have targets and opponents. To be successful, social movements must concern themselves with issues of duration, size, tactics, targets, locations, coalitions and organizational involvement. When these characteristics, conditions and issues coalesce they form a culture of resistance. (p. 547)

In terms of duration, when it comes to web inaccessibility, one could argue that the issue is here to stay, as the inaccessibility of digital content has risen along with the increases in complexity and size of the internet and digital content (Adam and Kreps, 2006). The tactics leveraged by the disability rights movement and its advocates, when it comes to digital accessibility at postsecondary institutions, have been consistent as well. National disability rights organizations have increasingly advocated and submitted formal complaints against institutions through the Department of Justice to seek resolutions and monetary damages through the judicial system. And while some activists call for the

focus of the resistance to be reengaging the development of 508 regulations, the current tactics have been effective in terms of obtaining a response or action from individual institutions (Wang, 2017).

Becket (2006) also contends that social movements share a unifying principle, or identity, and for the disability community, it is the idea that they live in a "disabling society" (p. 546). Social movement theory posits that the development of a collective identity, that is, a shift from an individual or personally oriented identity to a group identity, is a necessary precipitator to collective action (Dowse, 2001). This collective identity is then driven by shared interpretations, and in the case of digital accessibility, a shared lack of access to digital content, that spans across the spectrum of disabilities – from those who are blind to those with cognitive disabilities. Another shared interpretation to support a collective identity is when self-advocates use identity-first language, a nod to the social model of disability that emphasizes impairment is not within the person, but within the disabling environment, regardless of the disability.

Dowse (2001) also addresses different approaches to social movement theory that are applicable to disability rights movements: the resource mobilization approach which asserts that collective action is the result of not just tension but also of the creation of organizations and the political process approach which argues that a social movement remains vague until it is analyzed and contextualized within the existing political system. In terms of resource mobilization, the creation of disability rights organizations, offices in the Department of Justice, and the Office for Civil Rights, whose main duty is to monitor compliance with civil rights issues such as disability discrimination, was a precursor to much of the collective action seen related to digital accessibility. Without advocacy

organizations such as the National Federation of the Blind, many individuals would not have the resources to pursue time-consuming complaints or costly litigation. Without oversight agencies such as the Office for Civil Rights or Department of Justice, a formal entity to address or investigate the complaints would not exist. And by virtue of the involvement of entities such as the Department of Justice and the judicial system, which provides the political context.

Systems Theory

While the theories described and applied above help to frame the problem of inaccessibility and the behaviors of different stakeholders, they do not provide as rich of an organizing framework to anchor all stakeholder behaviors, and beyond that, they also do not yield an approach to address the problem of inaccessibility from the various stakeholder angles. For example, Rational Choice Theory helps one to understand why an institution may or may not already be addressing digital accessibility, but the theory is unable to inform what steps an institution might take to resolve a conflict with a student or complainant. In the same way Social Movement theory frames the behavior of self-advocacy for a complainant, it does not necessarily provide a framework or approach for working within or across systems that would address a concrete resolution to the conflict. In essence, they do not account for all the players - or the whole system. Samant Raja (2015) explains that "technology does not exist in a vacuum, but is influenced by the societal, legislative, personal, and infrastructural factors that surround it" (p. 20). Furthermore, she asserts that "a system approach helps to analyze how ICT [information and communication technologies] and the other actors, systems, and processes impact each other and how these can be shaped to facilitate accessibility and inclusion for

persons with disabilities" (p. 20). The adoption and use of accessible ICT for inclusion is dependent on many actors across systems, including government service providers, educators, employers, development practitioners, and the ICT industry. For these reasons, this study turns to systems theory as a third social theory to explain the why and how of the digital accessibility conflict and to frame possible resolutions.

Potts and Hagan (2000) describe systems theory as "a content-free, highly abstract set of assumptions and rules applicable to many fields of study" that first came to the attention of the scientific community in the 1960s (p. 131). First introduced by biologist Ludwig von Bertalanffy (1968), Shelbe explains that systems theory:

> is based on a number of straightforward yet important principles that set expectations for how a system functions. The principles are: 1) systems are interrelated parts of an ordered whole; 2) each part affects the other parts and the whole; 3) the whole is greater than the sum of its parts; 4) systems are defined by their boundaries; 5) systems receive input and feedback from their environment; 6) systems seek to attain goals, and yet 7) systems tend toward equilibrium. (p. 279)

These principles have been expanded and applied by researchers across multiple disciplines and fields in seeking to understand social phenomena and human and organizational interactions (e.g., Bronfenbrenner,1979; Luhmann,1995; Anderson & Carter, 1990; Parsons,1991). Mizikaci (2006) also introduced the concept of supersystems in her analysis of applying systems theory for program evaluation in higher education, explaining that educational institutions are often embedded within

supersystems, such as a public university system or a system of regionally, categorically, or otherwise connected institutions.

Dechant and Dechant (2010) argue that "for a system to endure, it must be in touch with its environment, adapting to changes and responding to feedback from external stakeholders" and as such, an institution such as a college or university, "when considered as an open system, must be cognizant of those environmental factors specific to its environment that can be viewed as new opportunities, those that create new demands, or those that pose threats and constraints (p. 292). Potts and Hagan (2000) further explain that open systems engage in a constant flow of energy, including information and resources, with their surrounding environment. As such, "input represents the energy acquired from the environment, throughput represents how the system processes this energy, and output represents the product that is sent back into the environment" (Potts & Hagan, 2000, p. 133). Consequently, input can serve as a signal for the system to recognize the need for change, throughput can modify the system internally as it responds to internal factors or external conditions, and output can shape the environment to create conditions that better support the system's optimal functioning. Bowman and Marzouk (1992) proposed the use of a systems theory approach to help postsecondary institutions comply with the newly passed Americans with Disabilities once it was signed into law in 1990 - emphasizing the benefit of a systems approach to really analyze and account for all the institutional subsystems that would need to address accessibility components for their respective work. They argued that the complexity of colleges and universities "calls for a model reflective of that complexity" (p. 521).

Much of the literature surrounding digital accessibility in the education and technology spheres offers an abundance of what is supposedly needed to address the problem - from addressing the technical knowledge of webmasters and faculty comfort with accessible content to identifying the deficiencies and technological tools available to remedy non-compliant websites (Taylor & Bicak, 2019). Yet the problem and conflict between institutions and those encountering inaccessibility persists. As is often the case with human endeavors related to change, especially within a large institutional context, the reality is rarely as straightforward as it may appear. Systems theory underpins institutional and educational approaches or models for change management and program quality management in higher education (Mizikaci, 2006; Schelbe et al., 2018). Dechant and Dechant (2010) argue that educational programs or initiatives, such as the development of an online program where digital accessibility is of even more salient importance, require an actionable system-wide approach to implementation. They assert that systems theory provides the framework for such an approach.

In the problem of digital accessibility, what is referred to as departments or divisions could be categorized as subsystems within an institution: academic affairs, information technology, student affairs and/or disability services offices, human resources, and training offices, etc. They each have a task or role, and behavior in one part of the system, for example, the selection of inaccessible courseware for class instruction can impact output (student success, accessibility of materials) and other subsystems, such as disability service offices, who are commonly called upon to correct or assist with inaccessible materials. Input and feedback could be in the form of a student complaint, a ruling from a court, a resolution agreement/mandate from OCR,

accreditation requirements, or the influence of a publisher to use an inaccessible resource. There are also supersystems within which a system or institution resides, such as the state college or university system which serves as a governing body for public, postsecondary institutions. Framing the issue of digital accessibility, when considering all these parts, can help unify an approach to assessing the problem and then implementing a plan to address the various aspects. Dechant and Dechant (2010) outline a systems theory approach to both evaluate programs and initiatives in higher education and to developing what they refer to as a "supportive alignment" within the system to sustain a successful implementation or practice (p. 298).

Gaps in the Literature

Prior research in the area of digital accessibility has looked primarily at what is and is not accessible and the technical steps on how to make ICT more accessible. Much of the literature surrounding digital accessibility in the education and technology spheres offers an abundance of what is supposedly needed to address the problem by identifying the technical deficiencies and technological tools available to remedy non-compliant websites (Taylor & Bicak, 2019). Research has also looked at accessibility from the perspective of various stakeholders - from the attitudes of webmasters who oversee website design and the attitudes of faculty who oversee course content creation to the impact on students with disabilities experience when they are left behind or excluded (Davis et al., 2016; Bradbard & Peter, 2010). There is a working model offered by Cifuentes et. al (2016) that addresses digital accessibility for online learning programs and only a few pieces in the literature on leveraging systems theory approaches to address

program development and evaluation, but there is a lack of research that analyzes the efficacy of any approach to the actual implementation of a digital accessibility initiative.

Requirements and technical guidance alone are not robust enough to address this complex problem. There are significant gaps in the existing literature on how to get from the technical requirements of digital accessibility to the actual implementation of accessible content in a system as complex as a postsecondary institution. Another gap in the literature surrounding web and ICT accessibility, as it relates to the postsecondary setting, is a review of the primary tool used for the resolution of conflict in these instances of alleged discrimination and inaccessibility by those who are impacted. That is, a review of the complaints brought forth by disability advocacy organizations and individuals against postsecondary institutions and the accompanying resolutions negotiated by the Office for Civil Rights. This particular gap is what this study aims to address.

Chapter 3: Research Method

This qualitative study aims to use a instrumental single case study methodology, leveraging manifest content analysis and coding processes, to analyze formal complaints made to the Office for Civil Rights (OCR) related to digital accessibility at public, post-secondary institutions. The purpose of the study, as described earlier, is to assist institutions in understanding the needs of the disability community and the scope of digital inaccessibility at comparable institutions through the analysis of commonly mandated courses of action or remediations to address the complaints, the study aims to summarize the most salient of these recommendations to encourage institutions to proactively address digital accessibility.

When selecting the methodology for this study, several different approaches for this dissertation were considered, including Grounded Theory, Phenomenology, and quantitative analysis (Creswell, 2013). However, the purpose of this study is not to create a model or a theory as it relates to the problem of digital accessibility, and as such, Grounded Theory was not selected. Phenomenology was also considered for this study; however, this study did not aim to describe the essence of lived phenomena or to capture participant interview data, but rather, the documented, textual data outcomes of OCR complaints. Although a quantitative analysis could also have been selected, such methodology would not have provided answers to the "how and why" of digital inaccessibility, within the complexity of a system such as a postsecondary setting, that this study aims to explore.

Case Study

According to Robert K. Yin (2018), "case study methodology refers to an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident" (p. 16). When considering the increasing complaints surrounding digital accessibility in postsecondary settings, the tensions between institutions and those unable to access digital materials have been documented through OCR cases and resolution agreements and publicly available since 2014 (OCR, n.d.). Case study methodology also allows for a concrete application of theories to a specific, well-documented area of conflict, making it amenable to the present case of digital accessibility, with the richness of the textual resolution agreements and letters of findings (Yin, 2018). The methodology encapsulates an epistemology that encompasses the simultaneity of multiple theories, that is, the case study approach used in this study relies on the assumption that one specific case can show the interlocking aspects of different theories, and in other words, an epistemology in which there are multiple truths that add to each other, rather than multiple truths that compete with or that negate each other (Yin, 2018). Thus, the qualitative method of the case study shows how events contain multiple layers and evidence of multiple approaches to the topic, which also aligns well with the primary lens of systems theory, through which the conflict has been framed in the literature review.

Type of Case Study Design

Yin (2018) explains the single case study design is an appropriate design under several circumstances, including the rationale of a common case, where "the objective is

to capture the circumstances and conditions of an everyday situation," because of the lessons that may be gleaned from analyzing the case (p. 52). This study aims to glean recommendations or lessons from the analysis of the investigations and the resulting resolutions of OCR complaints. In contrast, multiple-case study design involves extensive resources and time, and Yin (2018) compares it to conducting multiple experiments and replications. He also warns researchers to not confuse the replication seen in multiple-case study designs with sampling logic. He uses the example of survey research, where in a single case study example, the researcher determines the sample size and administers the survey to a pool of potential respondents. In a multiple-case study design using a survey instrument, the researcher would replicate the survey administration across time, place, or perhaps change the survey or instrument to assess for different variables. For this study's research design to analyze digital accessibility complaints submitted to OCR, a single-case study design is used.

Case Study Research Design

According to Yin (2018), case studies involve five components: the research questions, the propositions, if there are any, the unit of analysis, the link between the data and the propositions, and the criteria for interpreting the results. At the core of a case study is exploring the "how" and "why" of a particular organization, community, and/or phenomenon (Yin, 2018). Creswell and Creswell (2018), also urge that specific intent in a case study is important - where a case can be intrinsic and aim to describe a unique case, or the case can be instrumental, where the intent of the study is to understand an issue or problem more deeply. For this case study of digital accessibility, the aim is an instrumental case study that tries to understand the conflicts surrounding digital

accessibility more deeply in order to arrive at an understanding of the conflicts and inform possible, proactive resolution practices. The study would aim to analyze the various complaint reasons and factors, as well as the specific corrective actions which are prescribed in the letters of findings and resolutions agreements sent to the institutions upon the conclusion of the investigation or one of the selected alternative resolution processes. The primary research questions are as follows:

1. What are the common allegations and reasons for complaints listed in the formal complaint submissions through the Office of Civil Rights (OCR)?
2. What are the findings of the ensuing investigations conducted by OCR?
3. What are the issues requiring corrective action included in the findings and the corrective actions mandated in the resolution agreements issued by OCR?
4. What are the emerging recurring and common themes?

The second component of the research design is the study propositions, which direct the researcher's attention to "what should be examined within the scope of the study" in order to answer the research questions (Yin, 2018, p. 30). The propositions for this study were the following:

1. Why does digital accessibility persist as a conflict in postsecondary settings?
2. Why do postsecondary institutions fail to ensure that digital content is accessible in the first place?
3. How do institutions respond to the problem of digital accessibility when confronted with a complaint investigation and allegations?

Essentially, these propositions help the researcher know where to look for relevant evidence and help to illuminate what may or may not be relevant evidence.

Yin (2018) also recommends focusing on a unit of analysis or separating the individuals that are in the group from those that are outside of the boundaries of the group. Although other cases of disability discrimination exist and are under the purvey of OCR, such as those related to testing accommodations or disability documentation, the aim of this study is to address the cases that (a) fall under the specific topic of digital accessibility (which in the nomenclature of OCR, are categorized as "Accessibility - Website/Online Courses" or "Effective Communication") in (b) public, postsecondary settings as the unit of analysis. To address the link between the study's propositions, the existing literature, and the data, the research plan includes a literature review focused on exploring disability history, legislation, digital accessibility and the intersection of these in higher education, in a non-biased way, followed by an examination of three theories in a triangulating approach, such that no one theory dominates over the other. The application or interrelatedness of each theory is explored in detail and is later applied to the results.

Delimitations

Bloomberg and Volpe (2008) explain that delimitations specifically establish the boundaries of a research study, indicating how the research has narrowed the scope of the study and informing the criteria of what is to be included for analysis. In other words, delimitations refer to the boundaries, scope, and choices made by the researcher during the planning and execution of a research study. The researcher delimited this study in four ways: by the type of textual data collected and analyzed, the institution type, the year in which the parties entered into the resolution agreement, and the type of complaint category. First, the researcher delimited this study to Complaint Investigations by OCR

whose resolution agreements are available on the OCR searchable database; it excludes resolution agreements derived from Compliance Reviews and Directed Investigations, which are more expansive in nature and may encompass multiple-case investigations and higher education systems, such as all the community colleges in a given state. This delimitation was to ensure the uniformity of textual data analyzed and in order to complete the study in a timely manner. The researcher then delimited this study to public institutions, restricting the population, also in support of timely and efficient completion of the study and findings report, given the extensive number of complaints lodged against all types of postsecondary institutions. Third, the researcher delimited the time period to further narrow the scope of the study to complaints and investigations where the resolution agreement entered into by the parties took place from 2018 to the present day; this is intended to ensure that the relevance of the correction actions or recommendations to the institutions are technologically relevant, that is, within the last five years. As technology evolves, including assistive technology, it is helpful to focus the research in this way. Lastly, this researcher delimited this study to complaints submitted to OCR about public institutions under the disability discrimination category of "Accessibility - Website/Online Courses" and "Effective Communication," as these are the categories under which digital accessibility complaints are filed. On the other hand, the limitations of a study address the conditions that may potentially undermine its validity; the limitations of this research study, along with issues of validity and bias are discussed in the last section of this chapter, and additional reflection on limitations are offered in the conclusion (Locke et al., 2000; Rossman & Rallis, 2003).

Analyzing the Data: Content Analysis and Coding for Themes

Creswell (2018) emphasizes that a good case study tries to gain an in-depth understanding through the collection of a variety of data, such as interviews, observations, documents, audiovisual materials, and so on. Furthermore, Yin (2018) recommends using a variety of sources when conducting a case study to decrease the incidence of bias. Sources could include "documentation, archival records, interviews, direct observations, participant-observation, and physical artifacts" (p. 103). The digital accessibility conflict provides a rich source of textual data in the letters of findings and resolution agreements - derived from documentation, complainant and recipient interviews, archival records, and direct observations among others. The analysis of the data involves a process of reading, synthesizing, and analyzing the trends therein. Yin (2018) recommends "playing with the data" to notice patterns and/or relationships within the data (p. 137). This approach to data analysis entails an assumption that the selected literature contains at least a generally acceptable and workable epistemology. It also reflects the assumption that after consulting a sufficient number of sources, especially to the point where information seems to corroborate and repeat, that conclusions can begin to be drawn. At that point, its limitations may become apparent, which is why testing the theories with an application to a case study is so useful.

Content Analysis

In 1952, Berelson defined content analysis as "a research technique for the objective, systematic and quantitative description of the manifest content of communication" (p. 18). Bengtsson (2016) further explains the "purpose of content analysis is to organize and elicit meaning from the data collected and to draw realistic

conclusions from it" by reducing volumes of text and identifying and grouping categories together to arrive at themes or patterns while staying true to the textual data. Berelson (1952) underscores the process of analysis as a reliable and learnable method that precludes the personal authority of the researcher. Krippendorff (2004) defined content analysis as "a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use" (p. 18). Downe-Wambolt (1992) underlines that content analysis is more than a counting process, as the goal is to link the results to their context or to the environment in which they were produced: "Content analysis is a research method that provides a systematic and objective means to make valid inferences from verbal, visual, or written data in order to describe and quantify specific phenomena" (p. 314). In a manifest analysis, the researcher describes what the informants actually say, stays very close to the text, uses the words themselves, and describes the visible and obvious in the text; in contrast, latent analysis is extended to an interpretive level in which the researcher seeks to find the underlying meaning of the text: what the text is talking about (Bengtsson, 2016).

A manifest content analysis of the digital accessibility complaints made to the OCR, including required actions on the part of institutions that are written in the Letter(s) of Findings and/or Resolution Agreements, could inform policy and regulations-based interventions. Through coding and analyzing complaints to denote the alleged deficiencies and the findings from the investigation, the researcher would be able to categorize and identify common themes from the textual data. To conduct the content analysis, complaints and letter(s) of findings or resolution agreements specifically related to digital accessibility are obtained from the Office for Civil Rights (n.d.) Recent

Resolution Search, which lists case resolutions from 2013 to the present-day, to determine first the types of complaints that exist. Regarding sample size for content analysis, Bengtsson (2016) explains that qualitative studies are commonly "based on 1 to 30 informants" and that "there are no established criteria when using content analysis for the size of a unit of analysis, neither the number of informants or objects to study, nor the number of pages based on the informants' own written text or transcribed data," rather, the sample size is determine by the researcher based on the what they are seeking to "elucidate in the study" (p. 10). For this study, the delimitations, or criteria, outlined later in this chapter, which are intended to narrow the focus of the study for timeliness, efficiency, but above all, to support the relevance of recommendations resulted in a sample size of 37 complaint investigations to be analyzed. The analysis of 37 investigation outcomes represents 59.7% of all the investigations related to digital accessibility at public institutions from 2018 to present, and only excluding 12 Compliance Reviews and 13 Directed Investigations. When considering the 270 total number of investigations available in the database since 2013, including complaints, Compliance Reviews, and Directed Investigations, the 37 outcomes analyzed for theme emergence in this study represent a sample of 13.7%.

Coding and Theme Development

Data collected would be analyzed through the use of coding and categorizing the various textual data available from the OCR agreements and letters of findings, which would allow the researcher to identify common themes within and across sources, including across the parties in the conflict (Creswell, 2018). The themes arrived at through coding can assist the practitioner to identify interests, values, and needs that are

common across the subjective experiences of the individuals involved with the various parties in the conflict. Four main stages have been identified as part of the process of content analysis: the decontextualization, the recontextualization, the categorization, and the compilation (Bengtsson, 2016). In decontextualization, the researcher needs to familiarize themselves with the textual data, reading the text to make sense of the whole before breaking it down into smaller meaning units, which are "constellations of sentences or paragraphs aspects related to each other, answering the question set out in the aim" (Bengtsson, 2016, p. 12). This is akin to the individual codes in a general coding process. In recontextualization, after the meaning units have been identified, the researcher revisits the textual data and rereads it to ensure all units have been covered or captured, then in categorization, categories are created to contain the meaning units and themes are identified. Finally, in the compilation stage, the researcher begins the analysis and report writing, presenting a summary of themes, sub-themes, categories, and or sub-categories. While content analysis outlines four main stages as part of the process, insights and practical guidance to the mechanics of coding and working with coded data are derived from Saldañas (2021) coding manual, to guide the researcher in organizing the data, developing a functional layout to capture codes, and distilling these into categories and themes that can then be connected to theoretical frameworks and existing literature.

Validity, Reliability, and Limitations

According to Bloomberg and Volpe (2008), regardless of how carefully a study is planned, there are always limitations and these need to be explicitly acknowledged and addressed to the extent possible. They elaborate that "limitations arise from, among other

things, restricted sample size, sample selection, reliance on certain techniques for gathering data, and issues of researcher bias" (p. 79). According to Creswell and Creswell (2018), "qualitative validity means that the researcher checks for the accuracy of the findings by employing certain procedures" (p. 199). Some of the validity strategies they recommend include (1) triangulating different data sources and using these sources to build a coherent rationale for theme development, (2) the use of peer debriefing, and (3) bracketing. For triangulating data in this study, the researcher developed themes through the coding of 37 different investigations and resolutions written by various OCR investigators from multiple OCR regional offices; this helps to address any original author bias in the textual data being analyzed in the conflict. Peer debriefing, which involves asking a colleague to examine one's study and question one's findings, helps the researcher examine their own assumptions and consider alternative explanations (Bloomberg & Volpe, 2018). In this study, two peers were asked periodically to debrief with the researcher.

Since 2014, the researcher has served as a college administrator in a public, 2-year institution. First, as a disability services office (DSO) director for five years and later, in broader administrative roles with progressive responsibilities in student affairs and academic affairs, providing continued and extensive leadership across the institution on issues related to disability services and accessibility. This understanding of the context of accessibility in postsecondary settings enhances their awareness, knowledge, and discernment or sensitivity to many of the challenges of digital accessibility at public institutions. The researcher brings knowledge of higher education, student development and advocacy, service delivery, and issues related to compliance and institutional

responsibility. The researcher approaches this study with the perspective that the conflict of digital accessibility is a broad, evolving challenge for postsecondary institutions, particularly public ones, as both the setting and the technical problems are complex, layered, and require broad buy-in from the system in which it exists. The researcher also has the perspective that accessibility is ambitious, but attainable and necessary and is the ultimate responsibility of postsecondary institutions as stewards of lifelong learning. This work and the researcher's professional subject matter expertise leads to the mindful recognition of the need for bracketing as a strategy to support the study's validity. Chan et al., (2013) explain that bracketing "requires deliberate putting aside one's own belief about the phenomenon under investigation or what one already knows about the subject" before and after the research inquiry (p. 2). To this effect, the researcher maintained a memo and reflective notes journal throughout the duration of the research process and reviewed it on a regular, weekly basis to maintain objectivity.

Finally, to address qualitative reliability, Creswell and Creswell (2018) recommend additional strategies, including having another person cross check codes used in theme development. Coding and categories were carefully examined by peers, as were samples of the coded documents. To address potential bias during content analysis and coding, the researcher removed institutional names and coded the letters of findings and resolution agreements blindly. A peer was also asked to code three of the textual data documents to establish interrater reliability. Bloomberg and Volpe (2018) affirm that "this process of checking on the consistency between raters reduces the potential bias of a single researcher collecting and analyzing the data" (p. 78). Aside from issues pertaining to validity, bias and reactivity, a further major limitation of this study was that the

research sample was delimited to public postsecondary institutions and the remediation prescribed by resolution agreements arrived at through formal complaints. Therefore, a critique of this study may be the limited possibility of generalizing the findings to broader digital accessibility compliance issues not addressed in this sample of complaints. Through the use what Bloomberg and Volpe (2018) refer to as "thick, rich description" in the analysis and theme development, as well as detailed information regarding the existing literature and background of the research study topic, the researcher anticipates that the data analysis results in the next chapter and the recommendations in the final chapter "could be assessed for its applicability and applied appropriately in other contexts" (p. 88).

Chapter 4: Results

The purpose of this case study was to analyze the complaint allegations, subsequent investigation findings, and the required corrective actions listed in the resolution agreements for cases related to digital accessibility made to the Office for Civil Rights about public institutions in the United States since 2018 and the analysis of theme emergence. The purpose of this chapter is to present the primary themes as discovered and supported by the coding and analyses of the textual data. This chapter also includes an overview of the type of institutions selected for the case study. Chapter five includes an overview of the findings, where each theme will be addressed, analyzed, and reviewed for its implications and the application of theoretical frameworks, along with a discussion on the study's limitations, contributions to the field, and recommendations for best practices and future research.

About the Complaint Investigations Analyzed

The researcher reviewed all available Office for Civil Rights (OCR) (n.d.) resolution agreements issued since 2018 that were related to digital accessibility at public postsecondary institutions and available on the OCR Recent Resolution Search portal. The search portal makes available letters of findings and resolution agreements, but the search parameters do not distinguish between private and public institutions, nor does it distinguish between complaints, Compliance Reviews, and Directed Investigations. As such, the researcher reviewed a total of 270 cases to determine if these met the research delimitations and case study criteria. Of the 270 cases, 37 met the delimitations and criteria of public institution cases based on complaint-initiated investigations with resolution agreements issued since 2018. Table 1 provides an overview of the number of

complaints analyzed and whether they address a 2-year public institution (i.e., state or community college) or a 4-year public institution (i.e., state, public, or land-grant university.

Table 1.

Office for Civil Rights (OCR) Investigations of Public 2- and 4-year Postsecondary Institutions from 2018 to Present

Type of Public Institution	No. of Complaint Investigations
2-year College	19
4-year University	18
Grand Total	37

Appendix A lists all the complaint investigations coded for analysis alphabetically and denotes (a) if the OCR complaint category is for web accessibility (WA) or effective communication (EC), (b) the name of the school and case folio number, (c) the type of public institution, (d) the year the resolution agreement was issued, (e) the location in terms of state, and finally, links to the respective (f) letter of findings, (g) resolution agreement, and (h) modified resolution agreements, if applicable. Appendix A was grouped in a table format to compare complaints and to identify trends in terms of years, locations, and type of institution. Appendix C groups the textual data alphabetically by the name of the school and notes the resolution year and whether the institution is a 2- or 4-year school. The textual data in Appendix C was retrieved from the letters of findings and resolution agreements used for the content analysis and coding processes resulting in the development of themes and analysis that follows in the rest of this chapter.

Development of Themes

During the analysis of the data collected from the complaint investigations, three major themes were identified and have become the focus of this chapter: (1) the Inaccessible Landscape: Types of Content and Technical Challenges, (2) It Takes a Village to Address System-wide Issues, and (3) Sustaining Institutional Accountability. For each theme, the data was further narrowed into sub-themes or categories as shown in Table 2. While the complaint investigations and resulting resolution agreements had many similarities, some cases were more involved and presented more complex digital accessibility conflicts.

Table 2:

Major Themes and Sub-themes

Theme	Sub-themes
(1) The Inaccessible Landscape: Types of Content and Technical Challenges	(1) In-house content and (2) Third-party software and content
(2) It Takes a Village to Address System-wide Issues	(1) The Diversity of Complainants (2) Institutional Frameworks, and (3) Calling In All Stakeholders
(3) Sustaining Institutional Accountability	(1) Ultimate Responsibility on the Institution, (2) Shifting to Proactive Measures, and (3) Feedback Mechanisms

Theme 1: The Inaccessible Landscape: Content Types and Challenges

Across all the complaints and resolution agreement analyzed was the common thread of the technical aspects of digital accessibility across various content types. In broad terms, the technical aspects contributing to the inaccessibility of digital content

were centered around lack of planning in design choices when creating or adopting digital content, a lack of navigational structure in digital content, and the wide array of the content that was indicated as inaccessible in the investigation findings. Each complaint analyzed contributed to the growing sense that institutions were facing an ever-growing landscape of technical difficulties or challenges that they struggled to keep up with or address proactively, in this theme, in a technical sense. The two sub-themes or categories were identified: (1) in-house content and (2) third-party software and content.

Sub-theme 1: In-house Content

The most cited inaccessible content across all 37 complaints was in-house content such as websites, email communications, digital images, and digital documents. In-house content refers to digital content created by someone employed by the institution, as opposed to content created by a third party, such as a book publisher. By far, inaccessible websites were the most prominent, with 31 of the cases yielding a finding of an inaccessible website. In these cases, the following technical finding was issued most often by the investigators across institution types and OCR regions:

1. keyboard controls were not visibly apparent, which meant that content was not available to those who are blind or have low vision, and those with disabilities affecting fine motor control
2. important images and/or links were missing text descriptions, referred to as "alt tags," that describe the images and/or links to blind and low-vision users who use special software;
3. links contained no text, which made it difficult for users with disabilities to understand the purpose or context for a link;

4. PDF documents were formatted in a way that made it unreadable for many people who use assistive technology, including people who are blind and use screen readers; and,
5. webpages lacked "Skip Navigation," which can make navigation of the website cumbersome for individuals with visual disabilities who rely on screen readers and/or individuals with physical disabilities who require use of a keyboard rather than a mouse.

Multiple investigations also yielded the finding that "audio recordings were not provided with captions or a transcript, so they were inaccessible to people who are deaf."

For complaints involving web accessibility, most complaints are submitted by students or visitors, however, 17 of these complaints were submitted by someone who specifically used a web accessibility checker and included the results of this check in their complaint. Web accessibility checkers, or web accessibility evaluation tools, are "software programs or online services that help you determine if web content meets accessibility guidelines" (W3C Web Accessibility Initiative, n.d.). The individual pages identified across the complaints are increasingly varied. In analyzing the pages determined to be inaccessible by OCR, it crossed all institutional divisions - from student affairs to academic affairs to operational sections of sites containing parking and campus map information. It also spanned the life cycle of a student or visitor's engagement with the institution - inaccessible websites were cited from admissions and orientation to student club and organization postings. In several of the resolution agreements, the following corrective action was required, indicating the broad scope of inaccessible content: "audit all content and functionality on its website, which includes the home

page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees." This directive to also audit intranet and internal portal pages is demonstrative of OCR's systematic and broad approach, despite a narrowed focus on the allegations in question.

In addition to inaccessible websites, several complaints were related to inaccessible communications sent to students or the broader institutional community. For the in-house content, this communication consisted of email messages and bulletins posted on a digital bulletin board to promote student activities. In one complaint, inaccessible information about student events, such as mental health workshops, were emailed, with the complainant alleging that the institution's "email communications are inaccessible because they convey event information through images, which lack meaningful alternative text." This resulted in OCR further examining the institution's email service, a sampling of email communications to students, a review of policies and procedures, a review of the institution's website, and an examination of other student-facing portals, such as one aimed at promoting student organizations. Inaccessible information was found in the additional content beyond the complaint's initial allegation.

Faculty generated or posted content on institutional learning management systems (LMS) was the third type of in-house content identified in complaints and described in the investigation findings as inaccessible. While there are accessibility issues with LMS platforms discussed in the next sub-theme related to the navigation of the LMS itself, inaccessible content, such as slides, documents, syllabi, and other content created by faculty or staff involves an additional layer of technical difficulties. Faculty increasingly

use websites or LMS platforms to host an array of course content and across the literature. While awareness of accessibility issues may be one barrier to the problem of inaccessible content, another barrier identified is found in faculty who also express concerns about not having the necessary time or support to stay aware of accessibility practices to serve students with disabilities (Kurt, 2018; Bradbard & Peter, 2010).

Sub-theme 2: Third-Party Software and Content

The second sub-theme that emerged as part of Theme 1 was the digital inaccessibility surrounding third-party software and content, including: (a) the student information system and portals used for enrollment, class registration and schedules, and grades, (b) inaccessible learning management systems (LMS), and (c) inaccessible digital textbooks and courseware. This sub-theme of third-party content has broad implications for digital accessibility because it impacts required or necessary student interactions with digital content from the moment they apply for admissions or begin their relationship with an institution through the time they graduate or depart. McKenzie (2019) emphasizes the global nature of third-party digital software and content and its proliferation in postsecondary settings across all types of routine tasks - from registering for the term to hosting course materials and serving as platforms for the submitted coursework.

The student information system (SIS) named in the broadest of the analyzed complaints is a commonly used platform across more than 1,000 postsecondary institutions which facilitates student self-service activities such as class registration, class searches, and record or grade look-up (HG Insights, n.d.). Digital accessibility resulting from a learning management system (LMS) is by far the most complex in terms of

interacting systems - in the prior sub-theme, it an LMS served as a host to inaccessible content generated by the school or its faculty and staff, but in this sub-theme, the LMS in and of itself was cited in investigations as being an inaccessible platform due to poor navigation controls and having a communications module that was inaccessible.

Digital textbooks and courseware are another category in the sub-theme of third-party content. In the data analysis, just one complaint named five different third-party content items alleged as inaccessible; of these, the complaint investigation yielded inaccessible findings for each of the third-party items. These ranged from courseware for a math class, a digital textbook for a humanities class, a proctoring platform for a class's exams, and two library-related research tools. Another complaint investigation identified an inaccessible third-party software for laboratory practice in dissection for a biology class. And a third complaint was named an inaccessible mathematics digital textbook. In this complaint, the student asserted, and OCR corroborated, that despite being provided an additional Portable Document Format (PDF) version of the digital textbook, the student also experienced barriers when using this alternative format. Specifically, the student stated that the PDF was formatted in such a way that the assistive technology did not always accurately read the content of the book; for example, it was formatted so some numbers, mathematical symbols, and graphs were not read correctly. The publisher then attempted to remediate the accessibility issues with an HTML version of the book that also presented navigation challenges as content was read by the screen-reader out of order.

Theme 2: It Takes a Village to Address System-wide Issues

In analyzing the complaints and resolutions related to the digital accessibility conflicts in public, post-secondary institutions, the complexity of the problem and the multiple layers that contribute to inaccessibility were illuminated through the remediation and required actions upon the conclusion of the OCR investigations. It was evident that to name, frame, and possibly resolve the conflict of digital accessibility at an institution required a complex system of players, or more thematically, a village. The following sub-themes emerged through the coding and data analysis: (1) the Diversity of Complainants, (2) Institutional Frameworks, and (3) Calling In All Stakeholders.

Sub-theme 1: Diversity of Complainants

Most surprising for the researcher, was the coding of who submitted complaints regarding digital accessibility to OCR - as even this variable illustrated the complexity and community-oriented approach to advocacy and who is involved. In the majority of investigated complaints, the student was the complainant named and self-advocated. However, in about a dozen of the analyzed investigations, the complainant was not someone directly impacted by the alleged digital inaccessibility and included a diverse group of individuals in different roles. In some investigations, it was a parent or caregiver, in one of the investigations it was a non-disabled student who complained about inaccessible emails, and in several investigations focused on website accessibility, the complainants are inferred to be disability advocates who were systematically reviewing website content with an automated accessibility checker tool.

Sub-theme 2: Institutional Frameworks

All complaint investigations analyzed included a review by OCR of relevant institutional policies and procedures, as well as organizational responsibility frameworks such as who is in charge of what, that were applicable to digital accessibility. The majority of investigations identified the lack of policies or procedures, or the lack of consistent fidelity and application of existing policies and procedures, as a major finding contributing to digital accessibility conflicts at postsecondary institutions. For example, in the complaint where a student reported barriers in accessing courseware, the university completed an internal investigation and determined that the university's efforts were insufficient and impractical; however, there was no concluding resolution outlined in the internal investigation to address the individual student's complaint. Resolution required OCR's investigation and involvement, which required the institution to offer the student a retake of the course without charging them tuition or fees and the provision of accessible course materials content. This complaint's resolution also required the institution to revise and make more explicit their Disability Services Office (DSO) policy and procedures related to ensuring that academic adjustments and auxiliary aids/services for digital course content were comprehensive and included time or turn-around parameters.

In the subsequent resolution agreements where policies and procedures were an issue, OCR outlined general corrective actions. For institutions missing policies or procedures, these were directed to first and foremost adopt an accessibility standard like that outlined by WCAG. WCAG 2.0 serves as an internationally recognized and technology-neutral standard for ensuring web content accessibility (World Wide Web Consortium, 2018). Developed over a significant period, it was formalized in 2008 to aid

organizations and developers in creating web content and tools that are free from barriers. WCAG 2.0 provides guidelines under four principles—perceivable, operable, understandable, and robust—offering information and instructions on how to make content accessible.

For institutions with existing policies and procedures, institutions were directed to evaluate relevance, applicability, and use of their policies and procedures, while outlining a plan to make these more robust and more broadly leveraged to address digital inaccessibility. Corrective actions in the resolution agreements also addressed the required development or revision of policies and procedures addressing the following: (a) procurement (e.g., third-party software and courseware/textbooks, communication or email software, learning management systems, student information portals), (b) the development of new digital content, (c) the auditing and remediation of existing digital content, (d) and a policy and plan for conducting initial and ongoing annual staff training on digital accessibility. With regard to digital courseware and textbooks, several investigations found that even with the existence of policies, procedures, and workgroups to address accessibility, the authority of these generally does not extend to instructional materials. Investigations found unclear technical processes to ensure the accessibility of third-party content and at one institution, the accessibility coordinator reported that ICT products are not always submitted to the formal procurement process where accessibility testing and checks would normally take place, which included digital textbooks and courseware at their school.

Sub-theme 3: Calling In All Stakeholders

Part of this emerging sub-theme was the calling in of all institutional stakeholders who are involved in content creation and the creation of a culture of accessibility. Stakeholders included institutional players, such as administrators, faculty, and staff, but also extended to third-party vendors. Across all resolution agreements analyzed, OCR required institutions to develop and implement a system-wide training plan in support of digital accessibility. Training outlined by OCR were generally across two types. The first was training aimed at increasing system-wide awareness of digital accessibility, compliance and requirements, and knowledge of institutional policies and procedures related to digital accessibility. These would require attendance for administrators, faculty, and support staff, and in one resolution, student workers were also identified as required attendees. The second type of training identified in the resolution agreements was technical training, such as how to test for digital and web accessibility, how to create accessible content, and how to outline accessibility requirements in procurement. OCR typically directed institutions to include key content developers responsible for content within the scope of the institution's corrective action plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web or digital content and functionality.

In one investigation related to inaccessible course materials used widely by a college's Spanish language classes, the resolution agreement required narrowly defined steps to be completed as part of the institution's corrective action plan. These included mandatory training to the Spanish Department faculty and staff who are responsible for the adoption of digital course materials regarding the selection, development, and

deployment of accessible course materials. OCR stated that a follow up audit of the course materials and the LMS would be conducted and if the items were still found to be inaccessible, the department would be required to select alternate materials and an alternate LMS product within 45 calendar days of the audit. Bong and Chen (2021) found that while most training programs covered primary topics such as disability awareness, legislation, and methods for creating accessible and inclusive content, training outcomes were only assessed through surveys or interviews and not through a more objective method, such as an assessment of the accessibility of participant generated content or artifacts. In many cases, the training was not followed by additional accountability measures. OCR's approach to resolving the inaccessible course content provided a clear resolution and expected outcome of the required training and remediation.

The example of Spanish class content outlined above also brings us to the calling in of third-party vendors, which institutions often struggle to involve in compliance efforts. In the resolution agreements involving third-party software or content that was found to be inaccessible, beyond establishing a stronger procurement policy, OCR required several institutions to obtain written assurances from vendors regarding their accessibility statements and commitments to ensuring the accessibility of their products. The U.S. General Services Administration (2022), which oversees procurement for the federal government and also advises agencies on purchasing accessible software to meet Section 508 requirements, encourages agencies to ask vendors for a Voluntary Product Accessibility Template (VPAT®), which is "a document that explains how information and communication technology (ICT) products such as software, hardware, electronic content, and support documentation meet (conform to) the Revised 508 Standards for IT

accessibility" (para. 1). VPATs are helpful to federal agencies who are seeking to purchase ICT in making decisions that address digital accessibility when doing research and evaluating vendor proposals. If the vendor discloses that their product is not accessible or they are still in the process of making it accessible, OCR asserts that institutions are responsible for implementing interim measures until the vendor is able to remediate or remove the barrier.

Theme 3: Sustaining Institutional Accountability

The final emerging theme is Sustaining Institutional Accountability. In analyzing the letters of findings and the resolution agreements related to digital accessibility, there was significant emphasis on the diffusion of responsibility across multiple stakeholders in a complex system, the lack of accessibility maintenance on the part of institutions, and the reactive nature of activities related to addressing digital accessibility. OCR asks institutions to shift to a proactive, systemic approach to future accessibility considerations. The following sub-themes emerged through the coding and data analysis: (1) Ultimate Responsibility on the Institution, (2) Shifting to Proactive Measures, and (3) Feedback Mechanisms.

Sub-theme 1: Ultimate Responsibility on the Institution

The OCR resolution agreements explicitly and squarely place the ultimate responsibility for digital accessibility on postsecondary institutions. They back this position by citing, repeatedly and extensively, the applicability of legislature measures and regulations throughout their investigative findings, directly connecting itemized complaints to the applicable statute or law. In investigations with more complex complaints and findings, OCR requires institutions to name a system-wide accessibility

coordinator to oversee and lead activities related to digital or web accessibility. This essentially names a person responsible and aims to avoid the diffusion of responsibility. OCR also requires institutions to submit the coordinator's name and role title, along with the names and titles of anyone who attended required trainings, as part of their corrective activities report. In addition, if an institution "does not have sufficient internal capacity to complete professional and thorough assessments," OCR directs the institution "retain one or more consultants or hire one or more additional employees to conduct the assessments."

Sub-theme 2: Shifting to Proactive Measures

In several investigation findings, OCR also identified a breakdown in processes like accessibility audits of websites. While these were already identified as problematic because of their reactive nature, OCR affirmed that inconsistency in timing, planning, and technical approaches to auditing for digital accessibility allowed inaccessible content to proliferate. As a result, most corrective plan reports required the outlining of revised processes for audits and the maintenance of documentation and logs of issues reported/identified and the accompanying resolutions. While this directive addresses inaccessible content, OCR also asked institutions to develop future-oriented policies and procedures for emerging technologies to further support a systemic approach to digital accessibility. For instances where institutions are aware that a piece of digital content is inaccessible, OCR directs institutions to make that explicit and to direct users to equally effective alternatives.

In a complaint where an online campus map was named as inaccessible, the institution explained that accessible map options were available at the Disability Services

Office (DSO). However, this was not explicitly announced or stated anywhere so that a student or visitor would know to visit the DSO for a variety of alternatives, including a braille map. This is an example of a breakdown in processes, where good alternatives existed, but were just not communicated. In the investigation findings where the focus of the complaint was on the inaccessibility of the LMS, OCR outlined a prescriptive approach to the corrective actions, starting with a tiered approach to prioritized remediation. OCR directed the school to address in descending priority and first make accessible:

1. site navigation and templates;
2. key information concerning matters such as course syllabi, calendars, modules, assignments, quizzes, announcements, grades, and procedures for reporting accessibility barriers and requesting academic accommodations, academic adjustments, and auxiliary aids;
3. courses for which there is a strong likelihood or actual notice that they will be attended by one or more students or applicants with disabilities who are impacted by technological barriers to access;
4. the most popular courses available on the LMS that the University identifies;
5. portions of the LMS that are of high importance to students or applicants with disabilities; and
6. LMS content and functionality about which the University has received accessibility complaints, or which has been flagged for accessibility problems by individual users."

This demonstrates that OCR recognized the breadth and complexity of the work digital accessibility remediation requires.

Sub-theme 3: Feedback Mechanisms

Finally, and perhaps most importantly for centering the voice of those impacted by digital accessibility conflicts, findings often indicated that institutions did not provide processes for individuals to report inaccessible content, including content on websites and LMS software. As part of the required remediation, institutions were directed to create multiple feedback mechanisms or avenues for the reporting of inaccessible content and to identify explicitly who the contact person or department was for reporting purposes. Technical guidance for this included the addition of an easily visible and navigational button users would click on to report a specific page as containing inaccessible content. For example, in the case involving co-curricular programming postings on a third-party software, one school was directed to "identify an employee who will be responsible for receiving and resolving reports and complaints of inaccessible emails and postings." In this case, and in the case of the feedback mechanisms, while ultimate responsibility lies with the school, in a way OCR is extending the reach of the resolution to the third-party, as the school will need to work with the third-party vendor to implement this corrective action. Resolution agreements also build feedback mechanisms for the institutions as they are progressing through the development of their corrective action plans. For example, OCR requests final drafts of items like policy revisions, procedure development, and training plans prior to implementation in order to create a window for OCR to provide the institution feedback.

This chapter served to present the emergence of primary themes based on the data analysis conducted in this study of complaint allegations, subsequent investigation findings, and the required corrective actions listed in the resolution agreements for cases related to digital accessibility made to the Office for Civil Rights about public institutions in the United States since 2018. From this analysis, the following themes were depicted across all complaint investigations: (1) The Inaccessible Landscape: Types of Content and Technical Challenges, (2) It Takes a Village to Address System-wide Issues, and (3) Sustaining Institutional Accountability. Each theme was further divided into sub-themes to aid in the representation of common outcomes across the textual data analyzed. In the next chapter's overview of the findings, each theme will be addressed, analyzed, and reviewed for its implications and the application of theoretical frameworks.

Chapter 5: Discussion, Conclusions, and Recommendations

This qualitative case study focused on the conflicts surrounding formal complaints submitted to the Office for Civil Rights about digital accessibility at public, postsecondary institutions. The study aimed to answer the following research questions: (1) What are the common allegations and reasons for complaints listed in the formal complaint submissions through the Office of Civil Rights (OCR), (2) what are the findings of the ensuing investigations conducted by OCR?, (3) what are the issues requiring corrective action included in the findings and the corrective actions mandated in the resolution agreements issued by OCR, and (4) what are the emerging recurring and common themes? The researcher reviewed and analyzed the textual data to find the following common themes: (1) the Inaccessible Landscape: Types of Content and Technical Challenges, (2) It Takes a Village to Address System-wide Issues, and (3) Sustaining Institutional Accountability. Within the themes, many sub-themes and categories were identified as a result of the data analysis. This chapter will focus on an overview of the findings and themes to highlight the complexities of digital accessibility. This chapter will also address the limitations and implications of the study. Finally, the chapter will provide recommendations pertaining to best practices and further research based on the study outcomes.

Overview of the Findings and Application of Theories

Theme 1: The Inaccessible Landscape - Content Types and Challenges

Generally, the technical issues leading to inaccessible digital content were primarily attributed to inadequate planning during the creation or adoption of such

content, a lack of proper navigational structures, and a wide and growing range of content identified as inaccessible. The two sub-themes or categories were identified: (1) in-house content and (2) third-party software and content. The complaints examined added to the perception that institutions were increasingly encountering a complex and evolving set of technical obstacles that they found challenging to effectively anticipate or address, particularly because of the growing content, the variety of content creators in-house, and the increasing use of third-party content.

Louis et al., (2004) state that rational choice theory suggests individuals select a particular course of action by weighing the anticipated costs against the potential benefits of available options. This aligns with Wang's (2017) assertion that institutions and their IT offices often invoke the concern of cost, expense, and time to remediate inaccessible content and it is reflected in the data analyzed. Several investigations yielded the finding that institutions are reactive in part due to the volume of content to audit and remediate. Cullipher (2017) estimates the expense of compliance can easily reach tens or even hundreds of dollars. In this way, rational choice theory helps to explain an institution's non-compliance as it weighs the risk of inaccessible content against the cost of remediation. While the number of investigations, and more concerningly for institutions, the number of Compliance Reviews and Directed Investigations, initiated without formal complaints is increasing, schools are hedging their bets and choosing the least costly, least effort-requiring route for the immediate future.

The complexity illustrated by the vast and varied types of inaccessible content, from in-house content to that adopted from third-party vendors can be framed using systems theory. From coding all the types of inaccessible content and the respective

content creators, a systems theory approach to resolution makes sense to understand the totality of the system and subsystems that need to be addressed. What was evident from the multitude of website, content, and software accessibility issues was that nearly every single touchpoint at a postsecondary institution intersected with inaccessible content - from the point of recruitment emails, admissions applications, and campus maps to student's course materials or final grades on a third-party platform. Framing the issue of digital accessibility, when taking into account all of these digital pieces, can help unify an approach to assessing the problem content and then implementing a plan to address the various aspects.

Theme 2: It Takes a Village to Address System-wide Issues

The complexity of the problem and the multiple layers that contribute to inaccessibility were illuminated through the remediation and required actions upon the conclusion of the OCR investigations. It was evident that to name, frame, and possibly resolve the conflict of digital accessibility at an institution required a complex system of players, or more thematically, a village. The following sub-themes emerged through the coding and data analysis: (1) the Diversity of Complainants, (2) Institutional Frameworks, and (3) Calling In All Stakeholders.

In analyzing the complaint data, 17 of the complaints related to website accessibility issues were submitted by someone who specifically used a web accessibility checker and included the results of this check in their complaint. Web accessibility checkers, or web accessibility evaluation tools, are "software programs or online services that help you determine if web content meets accessibility guidelines" (W3C Web Accessibility Initiative, n.d.). In analyzing the complaints, this strategy has become

increasingly common in complaints related specifically to inaccessible website content and disability advocates have shown to be embracing these at large volumes, with some advocates responsible for submitting hundreds of complaints to OCR over the span of several years (Cullipher, 2017). This approach of disability advocates submitting complaints to OCR is congruent with the strategies leveraged by national disability rights organizations who have submitted formal complaints against institutions through the Department of Justice to seek resolutions and monetary damages through the judicial system (Wang, 2017). The actions from advocates and activists can be framed using Social Movement Theory's concept of "non-normative, contentious political actions" as described by Peters et al., (2009), in which advocates and activists identify targets and opponents for broad, repeated, and enduring actions, such as complaints to OCR. However, it can also be further framed through the theoretical lens of Rational Choice Theory, as the actions are a low-effort, low-risk way to possibly induce compliance from a large number of institutions that would seemingly otherwise not engage in accessibility efforts.

All complaint investigations analyzed in this study included a review by OCR of relevant institutional policies and procedures, as well as organizational responsibility frameworks such as who is in charge of what, that were applicable to digital accessibility. The data analyzed indicated that responsibility for digital accessibility was often diffused and that policies were unclear or lacking follow-through by institutional players; that is, they may exist, but they were often circumvented. Most often, OCR required the systematic development, revision, and implementation of policies and procedures across a wide scope of institutional departments, while requiring some institutions to name an

overarching coordinator to oversee the general work of digital accessibility at an institution across divisions and departments. Essentially, someone to monitor the intersection of digital accessibility with the many subsystems involved.

OCR also called for institutions to adopt an accessibility standard like the Web Content Accessibility Guidelines (WCAG) 2.0 if they did not already address one in their policies. Although WCAG 2.0 is considered the benchmark and "gold standard" for accessibility, it has faced criticisms (Yesilada et al., 2015). Clark (2006), once part of the WCAG revision team, criticized the complexity of the document explaining the standards, indicating its convoluted nature. This concern can also be framed using Rational Choice Theory, as the costs of implementing too much of a complex guideline for accessibility is likely to outweigh the benefits for those doing the technical work.

One of the more challenging aspects of the proverbial village and managing all the stakeholders is the compliance of third-party publishers. While the in-house content, student information systems, and learning management systems are certainly complex to manage and oversee because of their broad use and impact, they are generally adopted as system-wide tools and go through more formal procurement and vetting processes and are therefore more likely to be part of formal accessibility reviews or audits. The most diffused or decentralized third-party content to oversee are digital textbooks and courseware, as these have the least oversight and typically either fall outside the scope of what accessibility teams monitor or if they are part of the policy, they are the most difficult to oversee because of the volume/scope and the policies surrounding academic freedom and the selection of course materials by faculty (McKenzie, 2019).

In OCR's findings and corrective action requirements, faculty were also the least cited group of stakeholders required to undergo training. In some cases, the required assurances from third-party publishers may help to put pressure on publishers to commit to more accessible content. Yet, inaccessible publisher content persists, particularly for the largest companies. At the end of the day, institutions bear the weight of compliance, as they are required to remediate while publisher content is inaccessible. The behavior of the publishers can be framed via the lens of Rational Choice Theory. The costs of remediation for them are certainly greater than the benefits of remediation, as they do not bear ultimate responsibility. However, the resolution agreement referenced in Chapter 4 under this theme for inaccessible content and an inaccessible LMS being used in Spanish classes may set some precedent for assertive third-party vendor and faculty actions. In this resolution, OCR stated that a follow up audit of the course materials and the LMS would be conducted and if the items were still found to be inaccessible, OCR would require the Spanish Department to select alternate materials and an alternate LMS product within 45 calendar days of the audit. Moreover, a 2019 ruling against the Los Angeles Community College District in a discrimination lawsuit brought forward by the National Federation of the Blind on behalf of two blind students found that "the college district had breached Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act as it failed to provide accessible course materials to the students" (para. 3). This case specifically addressed the use of mathematics courseware while the legal responsibility lay at the feet of the institution, the ruling did emphasize the role publishers play in disseminating inaccessible course materials.

Theme 3: Sustaining Institutional Accountability

The final emerging theme is Sustaining Institutional Accountability. In analyzing the letters of findings and the resolution agreements related to digital accessibility, there was significant emphasis on the diffusion of responsibility across multiple stakeholders in a complex system, the lack of accessibility maintenance on the part of institutions, and the reactive nature of activities related to addressing digital accessibility. OCR asks institutions to shift to a proactive, systemic approach to future accessibility considerations. The following sub-themes emerged through the coding and data analysis: (1) Ultimate Responsibility on the Institution, (2) Shifting to Proactive Measures, and (3) Feedback Mechanisms.

OCR's approach to resolving the digital accessibility conflicts is focused on the complaint at hand, but also systematic and systemic in the sense that they address the required remediation as well as the institutional framework of policies, procedures, and stakeholders for implementing digital accessibility. Bowman and Marzouk (1992) proposed the use of a systems theory approach to implement the requirements of the Americans with Disabilities Act when it first became law emphasizing the benefit a systems approach to really analyze and account for all the institutional subsystems that would need to address accessibility for their respective scope of work. They argued that the complexity of colleges and universities "calls for a model reflective of that complexity" (p. 521). Dechant and Dechant also propose the use of systems theory to sustain successful implementations in postsecondary institutions. As part of directing institutions to more sustainably and proactively approach digital accessibility, OCR requires schools to create feedback mechanisms for stakeholders and users to report

inaccessible content, a nod to the use and need of feedback in systems theory and a nod to its utility in the sustainability of any resolutions to the conflict of digital accessibility. Across all resolutions, OCR also outlines reporting requirements typically for one to two years as part of the resolution agreement. This can also be seen as the use of feedback into the system, especially as institutions undergo and report on the planning for corrective action and the implementation of that plan. Typically, OCR must approve an institution's plan, including the addition of OCR feedback or revisions, prior to implementation.

Research Findings

This qualitative study aimed to use an instrumental single-case study methodology, leveraging the use of manifest content analysis and coding processes, to analyze formal complaints submitted to the Office for Civil Rights (OCR) related to digital accessibility at public, post-secondary institutions since 2018. In studying these complaints and their accompanying resolutions, the researcher aims to identify emerging themes and provide analysis on the impact of digital inaccessibility in postsecondary settings and recommendations for what proactive measures postsecondary institutions could take to prevent the exclusion of people with disabilities, while also assisting institutions to mitigate or avoid the costs - both human and financial - associated with such complaints. The results of this study is intended to assist postsecondary institutions in better serving their students with disabilities and shifting their approach to accessibility from a reactive to a proactive stance. A proactive approach could also lead institutions to be better financial stewards, avoiding the cost of litigation or settlements, which is particularly important for the institutions who are the focus of this study, state and

community colleges, as these entities are most likely to have tighter budgets and be more dependent on state and federal funding along with tuition dollars.

Research Questions

The study aimed to summarize the most salient of these recommendations to encourage institutions to address digital accessibility conflicts through proactive resolutions. The study analyzed the textual data available for 37 complaint investigations. The primary research questions were as follows:

1. What are the common allegations and reasons for complaints listed in the formal complaint submissions through the Office of Civil Rights (OCR)?
2. What are the findings of the ensuing investigations conducted by OCR?
3. What are the issues requiring corrective action included in the findings and the corrective actions mandated in the resolution agreements issued by OCR?
4. What are the emerging recurring and common themes?

The most common allegations and reasons for complaints were inaccessible websites and inaccessible content, created by both the institution and third-party vendors. In all the complaints analyzed, the findings indicated compliance issues related to inaccessible content. These findings were typically underpinned by a lack of institutional policies and procedures, and at institutions where policies and procedures did exist, there was a lack of systemic and meaningful application of these. Many institutions also lacked systematic approaches for accessibility checks and were reactive in terms of compliance requirements. The issues requiring corrective action included the remediation of inaccessible content, the development and/or implementation of robust policies and procedures extending from procurement to technical content development, and broad

training of staff across functional and general roles, from webmasters to support staff on the compliance requirements and technical steps for implementing accessible content. The emerging themes were (1) The Inaccessible Landscape: Types of Content and Technical Challenges, (2) It Takes a Village to Address System-wide Issues, and (3) Sustaining Institutional Accountability, each of which had sub-themes and categories.

Study Propositions

The second component of the research design was the study propositions, which direct the researcher's attention to "what should be examined within the scope of the study" in order to answer the research questions (Yin, 2018, p. 30). The propositions for this study were the following:

1. Why does digital accessibility persist as a conflict in postsecondary settings?
2. Why do postsecondary institutions fail to ensure that digital content is accessible in the first place?
3. How do institutions respond to the problem of digital accessibility when confronted with a complaint investigation and allegations?

Digital accessibility conflicts persist primarily due to the complexity of the problem, the complexity of the stakeholders and institutional dynamics, and the complexity of the technical work required to remediate inaccessibility content. This complexity can be framed using systems theory, as asserted by Dechant and Dechant (2010) who argue that educational programs or initiatives, such as the development of an online program where digital accessibility is of even more salient importance, require an actionable system-wide approach to implementation. They assert that systems theory provides the framework for such an approach. This is further supported by Samant Raja's report (2015), which

emphasized that “technology does not exist in a vacuum, but is influenced by the societal, legislative, personal, and infrastructural factors that surround it” (p. 20).

Postsecondary institutions typically engage in a pattern that is reactive to complaints about digital accessibility. Institutions often invoke the concern of cost and expense when accessibility is brought up (Wang, 2017). Furthermore, Cullipher (2017) explains that the expense associated with fixing institutional websites is a significant burden in terms of finances, time, and workforce, especially considering the limited resources typically available at public institutions. The cost of bringing a website into compliance varies depending on factors such as its size, the techniques employed, the number of individuals engaged in updating the digital content, and the accessibility of the technologies utilized. Consequently, Cullipher elaborates that expenses involved in achieving compliance can easily reach tens or even hundreds of thousands of dollars. While Loaicono and Djamasbi’s (2013) study also found a stronger correlation between accessibility legislation or regulations and actual digital accessibility, they argue that the reason accessibility is still limited is that “companies often gamble on the fact that it would be easier to simply design for the culturally defined ‘norm’ [people without disabilities] and hope that they do not get sued or receive negative publicity for their site’s inaccessibility” (p. 120).

Rational choice theory explains this gamble, or risk, through the idea that people, or in this case, institutions, will choose the action based on the most effective cost-benefit, or at least, what they perceive as the most effective. Louis et al., (2004) explain that choices are often ranked quantitatively, and if an institution decides that the costs of accessibility do not outweigh the benefits or making something accessible for a small

population, then they will likely only take on the issue of accessibility once a formal or legal sanction is threatened. It is important to note that across all the complaints analyzed, in each investigation, the recipient or postsecondary institution almost immediately and eagerly sought to use one of the Rapid Resolution Processes to avoid a full-length investigation. This is congruent with the notion that large systems will not change their actions until confronted with external feedback, and aligns with Lewin's (2015) interview with Samuel Bagenstos, a University of Michigan law professor and formerly a principal deputy assistant attorney general in the Justice Department's Civil Rights Division, where he argues that making systemic progress toward accessibility in postsecondary settings "requires making changes in bureaucratic routines, and in big institutions, there's resistance to deviating from the routines" (para. 13).

Implications and Contributions to the Field

One of the contributions this dissertation makes to the study of conflict is the analysis of digital accessibility, or inaccessibility, through the lens of conflict and the selected social theories of Rational Choice Theory, Social Movement Theory, and Systems Theory. This study contributes to bridging the existing gaps in the conflict analysis and resolution literature, where topics of accessibility and digital accessibility are scarce. Moreover, framed from the perspective of conflict theories and practice strategies, this study will help to raise awareness about digital accessibility in the field of conflict resolution for the purposes of teaching, training, and practice. The study will help conflict resolution practitioners engage in discussions about digital accessibility, call attention to the problem, and provide guidance for engaging in accessible practice.

Most prior research sought to quantify the technical aspects of what was inaccessible and while there are some models and references to changes needed to make content accessible, existing literature struggled to bridge the divide between simply describing the problem of inaccessibility along with the technical fixes to actually helping to frame a concrete approach to implementing digital accessibility measures and identifying possible resolutions to the conflict. As showcased throughout the study, based on the literature review and the analysis of the data, this study sheds light on the history and interactions of the disability movements and the rise of legislative protections for disabled people. It also frames the problem of digital accessibility in general terms and in higher education, contextualizing it within the applicable legislative measures that contribute to the resolution processes or activities carried out by OCR. Furthermore, this study illuminates the prevalence and insidiousness of digital accessibility conflicts in general and in higher education. For the field of postsecondary studies and higher education leadership, this study can help institutions become better informed about digital accessibility and be better stewards of accessibility, by providing recommendations to resolve these conflicts.

Limitations of the Study

Bloomberg and Volpe (2008), posit that regardless of how carefully a study is planned, there are always limitations and these need to be acknowledged and addressed to the extent possible. According to Creswell and Creswell (2018), “qualitative validity means that the researcher checks for the accuracy of the findings by employing certain procedures” (p. 199). Some of the validity strategies engaged in for this study include (1) triangulating different data sources and using these sources to build a coherent rationale

for theme development, (2) the use of peer debriefing, and (3) clarifying researcher bias through self-reflection and transparency in reporting any potential biases. Despite these, some limitations persisted. One of the more significant limitations includes the lack of multiple sources to triangulate the textual data from the complaint investigations. Another limit of this study is the limited research centering social theories within the conflict and resolution of digital accessibility. Although the researcher provides information on this topic, the literature is limited and not many, if any, studies have been carried out to explore this conflict through specific resolution. Finally, one of the key limitations are the researcher's perceptions of postsecondary institutions, disability services, and the conflict analyzed in the study having been shaped by their educational and professional experiences.

Recommendations

This study assessed the conflict of digital accessibility and the common themes emerging from the resolutions to the complaint investigations carried out by OCR. The study resulted in recommendations narrowed into two groups: best practices for digital accessibility in postsecondary institutions and future research.

Best Practices for Digital Accessibility in Postsecondary Institutions

The results of this study are intended to improve digital accessibility at postsecondary settings and to help institutions move from a reactive, complaint-driven approach to resolving these conflicts to a proactive culture of accessibility. Gleaned from the codes, categories, sub-themes, and themes that emerged from the data analysis, the following best practice recommendations are offered:

- Include accessibility as part of strategic planning activities

- Ensure that institutional leadership at all levels emphasize the importance of digital accessibility by setting the requisite priorities in resource investment and by nurturing and recognizing best practices.
- Create a policy for electronic and information technology accessibility.
- Include accessibility criteria in technology purchases.
- Include a link to an accessibility statement and resources.
- Provide a feedback mechanism across platforms and webpages, centering user voices.
- Complete a prioritized audit of electronic and information technology.
- Appoint an accessibility coordinator.
- Identify and create the infrastructure, roles and responsibilities, and collaborative mechanisms necessary to support faculty and students within various schools and departments across the institution for content creators; consider creating a working group around digital accessibility that meets regularly with the accessibility coordinator.
- Embed accessibility standards and checks into curriculum and program development checklists.
- Add accessibility competencies to the job descriptions for content creators.
- Develop an ongoing, scaffolded training plan related to digital accessibility; be sure to include workshops on general frameworks and technical topics for functional users.
- Identify opportunities and allocate funding for external professional development.

Future Research

The researcher has identified additional recommendations for future research. The first recommendation is for additional research to be conducted to analyze the complaints and resolutions arrived at through OCR investigations at private institutions and to conduct a similar analysis of the Compliance Reviews and Directed Investigations, as these may offer additional insights into the conflict of digital accessibility, as they include a top-to-bottom review and audit of an institution's digital accessibility practices. From the research conducted in support of this study, it would be important to note that more research is needed regarding digital accessibility in postsecondary settings, specifically to understand the apparent unwillingness to move toward more accessible digital content. More in-depth analysis of the underlying difficulties related to creating accessible websites is needed. For institutions that have been successful at addressing the negotiated resolution requirements, what, if any, framework did they use to organize their work toward accessibility goals? Another direction for future research is the application of a systems theory approach to an emerging OCR investigation, to assess the effectiveness of such an approach at an institution responding to a resolution agreement. Longitudinal research on institutions applying systems theory is another direction to explore, as it can speak to the sustainability of the approach.

Conclusion

Postsecondary institutions in the United States have frequently faced lawsuits and complaints related to website and digital accessibility (Wang, 2017; University of Minnesota, 2018). With the increasing number of students with disabilities pursuing higher education and the growing reliance on digital processes and content, the issue of

digital accessibility has become increasingly urgent. This issue is significant both in terms of ensuring equity and access for marginalized individuals and in terms of the social and financial consequences for institutions. These conflicts highlight the contradiction between the internet's promise of universal access and the reality of exclusionary design. Essentially, the problem of digital accessibility reveals that the biggest trend in a globalized society is not accessible to everyone.

When colleges and universities fail to meet disability legislation requirements, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for addressing the allegations through a formal complaint process. Since 2013, OCR (n.d.) has dealt with numerous complaints against postsecondary institutions regarding digital accessibility, online content accessibility, and effective communication, which often involve inaccessible digital communication. However, there is a lack of comprehensive literature on how to bridge the gap between the technical requirements of digital accessibility and the actual implementation of accessible content within complex postsecondary systems.

This study aimed to analyze allegations, investigation findings, and resolution agreement actions related to digital accessibility and effective communication complaints filed with the Office for Civil Rights against public colleges and universities in the United States. The analysis was conducted through the lens of social theories and the exploration of emerging themes. The study is intended to assist postsecondary institutions in addressing and resolving digital accessibility conflicts by providing recommendations for better serving students with disabilities and shifting from a reactive to a proactive approach to accessibility. Adopting a proactive stance could also help institutions become

better financial stewards by avoiding the costs associated with litigation or settlements. This aspect is particularly crucial for the focus of this study—public colleges and universities—as these institutions often have limited budgets and rely heavily on state and federal funding, as well as tuition fees (Wang, 2017; University of Minnesota, 2018).

Postsecondary institutions tend to adopt a reactive approach when it comes to addressing digital accessibility and the issue continues to exist mainly because of the intricate nature of the problem, the diverse range of stakeholders and institutional dynamics involved, and the complex technical efforts needed to address inaccessible content. Recommendations, based on the study results, are offered to help postsecondary institutions improve digital accessibility and to help institutions move from a reactive, complaint-driven approach to resolving these conflicts to a proactive culture of accessibility.

Perceived financial, staffing, and time burdens are often invoked for reasons why inaccessibility persists, but the word burden itself must be deconstructed and perhaps humanized, quantified, and operationalized - from all perspectives, including the burden that students and users are forced to take on when inaccessibility is the norm. As the data analysis of investigations and their legislative underpinnings have shown, the responsibility lies with the institution, not the user nor the student. The need for users and advocates to submit complaints should be made obsolete, as the responsibility belongs to the institution. Beyond the institution, where compliance responsibility resides, it is important to call in external partners and stakeholders such as third-party vendors and publishers, because as the second theme indicates, it takes a village to meet accessibility goals. The goal is to go beyond compliance, but institutions and stakeholders need to be

met where they are at - and that may be at the very beginning of an emerging knowledge base and skill set when it comes to accessibility. This shift to a proactive approach to digital accessibility would, in essence, prevent the conflict from existing, therefore negating the need for a resolution. It is the researcher's hope that studies like this, and future research, will help to bridge those gaps in support of a more digitally accessible postsecondary landscape for all.

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Appendix A: Complaint Investigations Analyzed

School Name	Case No.	Resolution Date	Type	State Location	Link 1	Link 2
Adams State University	8172267	03/28/2018	4-year University	Colorado	Letter	Agreement
Albany State University	4172282	01/29/2018	4-year University	Georgia	Letter	Agreement
Central State University	15172320	03/07/2018	4-year University	Ohio	Letter	Agreement
Clark College	10162006	11/10/2021	2-year College	Washington	Letter	Agreement
CUNY College of Staten Island	2172233	01/19/2018	4-year University	New York	Letter	Agreement
CUNY Guttman Community College	2172242	01/24/2018	2-year College	New York	Letter	Agreement
CUNY Medgar Evers College	2172591	02/14/2018	4-year University	New York	Letter	Agreement
CUNY Queens College	2172227	01/29/2018	4-year University	New York	Letter	Agreement
Dallas County Community College District	6182035	02/08/2018	2-year College	Texas	Letter	Agreement
Florida International University	4192029	12/07/2020	4-year University	Florida	Letter	Agreement
Framingham State University	1182019	01/05/2018	4-year University	Massachusetts	Letter	Agreement
Framingham State University	1212153	11/12/2021	4-year University	Massachusetts	Letter	Agreement
Glen Oaks Community College	15182002	02/15/2018	2-year College	Michigan	Letter	Agreement
Gogebic Community College	15182001	02/02/2018	2-year College	Michigan	Letter	Agreement
Hartnell College	9172507	02/15/2018	2-year College	California	Letter	Agreement
Highland Community College	5222040	04/13/2022	2-year College	Illinois	Letter	Agreement
Hill College	6182032	02/22/2018	2-year College	Texas	Letter	Agreement
Jefferson Community College	2172452	01/19/2018	2-year College	New York	Letter	Agreement
Kalamazoo Valley Community College	15182009	02/23/2018	2-year College	Michigan	Letter	Agreement
Madison Area Technical College	5172326	01/12/2018	2-year College	Wisconsin	Letter	Agreement
Massasoit Community	1172291	02/28/2018	2-year College	Massachusetts	Letter	Agreement

School Name	Case No.	Resolution Date	Type	State Location	Link 1	Link 2
College						
Miami Dade College	4212253	12/10/2021	2-year College	Florida	Letter	Agreement
Mid-Michigan Community College	15182006	01/19/2018	2-year College	Michigan	Letter	Agreement
Midwestern State University	6182065	02/14/2018	4-year University	Texas	Letter	Agreement
Monroe County Community College	15182005	01/16/2018	2-year College	Michigan	Letter	Agreement
Nicolet Area Technical College	5172334	01/12/2018	2-year College	Wisconsin	Letter	Agreement
North Central State College	15182031	02/12/2018	2-year College	Ohio	Letter	Agreement
Phoenix College	8162070	10/16/2018	2-year College	Arizona	Letter	Agreement
St. Clair County Community College	15182011	01/23/2018	2-year College	Michigan	Letter	Agreement
The University of Texas Rio Grande Valley	6162154	08/22/2018	4-year University	Texas	Letter	Agreement
Troy University	4172336	03/22/2018	4-year University	Alabama	Letter	Agreement
University of Hawaii System	10172117	02/20/2018	4-year University	Hawaii	Letter	Agreement
University of Maine System Central Office	1172245	02/28/2018	4-year University	Maine	Letter	Agreement
University of North Florida	4172123	02/12/2018	4-year University	Florida	Letter	Agreement
University of North Texas - Denton	6202304	12/10/2020	4-year University	Texas	Letter	Agreement
University of the Virgin Islands	2172400	03/22/2018	4-year University	U.S. Virgin Islands	Letter	Agreement
Wright State University-Main Campus	15172311	01/03/2018	4-year University	Ohio	Letter	Agreement

Appendix B: Office for Civil Rights Discrimination Complaint Form

United States Department of Education

Office for Civil Rights

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). You may send OCR a letter or email instead of this form, but the letter or email must include the information in items 1-15 of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An online, fillable version of this form, which can be submitted electronically, can be found at: http://www.ed.gov/about/offices/list/ocr/complaintintro.html.

Before completing this form, please read all information contained in the enclosed packet including: Information About OCR's Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

If you have questions about civil rights or how to file a complaint, you may contact OCR at 800-421-3481, 800-877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: https://ocrcas.ed.gov/contact-ocr.

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800- USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov. If you are a person with a disability, you may request disability-related assistance by contacting OCR at 800-421-3481, 800- 877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: https://ocrcas.ed.gov/contact-ocr. To request this document in an alternate format such as

Braille or large print please contact the Department at 202-260-0852 or om_eeos@ed.gov.

Name of person filing this complaint:

Last Name: _____ **First Name:**
Address:_____
City: _____ **State:** _____ **Zip Code:** _____
Primary number: _____ **Alternate number:** _____
Email Address: _____

2 Name of person discriminated against (if other than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent, guardian, or other authorized legal representative is required.

Last Name: _____ **First Name:**
Address: _____
City: _____ **State:** _____ **Zip Code:** _____
Primary number:_____ **Alternate number:** _____
Email Address: _____

3 OCR investigates discrimination complaints against schools, colleges and universities, institutions, and agencies which receive funds or other forms of financial assistance from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: _____
Address: _____
City: _____ **State:**_____ **Zip Code:**_____
Department/School: _____

4 The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. The regulations also ban retaliation against persons who assert the right to be free from discrimination. Please note the following:

- Discrimination based on race, color, and national origin includes failure to provide meaningful access to English learners and limited English proficient parents and guardians, as well as discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion.
- Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity, as well as

rules about parental, family, or marital status that treat people differently based on sex.

- Discrimination based on disability includes discrimination against individuals who have a physical or mental impairment that substantially limits a major life activity, as well as individuals who have a record of or are regarded as having a disability.
- Discrimination based on age does not limit protection against discrimination to a certain age group (e.g., people over 40); however, there are a variety of exceptions to the relevant Federal law that may permit age to be taken into account.
- Retaliation refers to actions taken for the purpose of interfering with any rights under the laws enforced by OCR, or because you made a complaint, testified, or participated in any manner in an OCR proceeding.

Please indicate the basis of your complaint:

- Discrimination based on race (specify)
- Discrimination based on color (specify)
- Discrimination based on national origin (specify)
- Discrimination based on sex (specify)
- Discrimination based on disability (specify)
- Discrimination based on age (specify)
- Retaliation because you filed a complaint or otherwise asserted rights under laws enforced by OCR (specify)
- Violation of the Boy Scouts of America Equal Access Act (specify)

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also, please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

6. Do you have documents or written information that you think will help us to understand your complaint?

- No
- Yes

If yes, please describe the documents or written information you have.
If OCR investigates your complaint, we may ask you to provide us the items you describe above.

7. What is the most recent date you were discriminated against?

Date:_____

8. If this date is more than 180 days ago, you may request a waiver of the filing requirement.

- I am requesting a waiver of the 180-day time frame for filing this complaint. Please explain why did not file your complaint within 180 days:

9. Have you complained about the allegations that you raise in this complaint to your school, institution, or another organization or agency?

◯ **YES** ◯ **NO**

If yes, have you complained about the allegations that you raise in this complaint by:

- filing an internal complaint or appeal with your school or institution?
- participating in your school or institution's grievance procedures?
- participating in a due process hearing either at your school or institution, or through another organization or government agency?

If you answered **yes to any of the above questions**, please describe the allegations that you raised in an internal complaint or appeal, through your school or institution's grievance procedures, or in a due process hearing, identify the date you complained about the allegations and where you made the complaint, and tell us the status of the complaint, appeal, grievance procedures, or due process hearing. If possible, please provide us with a copy of your complaint or grievance or appeal or due process request and, if completed, the decision in the matter.

10. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court:_____
Date Filed: _____
Case Number or Reference: _____
Results of Investigation/Findings by Agency or Court:

11. You do not need to have a lawyer to file a complaint with OCR; however, if you do have a lawyer, OCR staff are required to communicate directly with your lawyer. If you have a lawyer representing you in this matter, please provide the lawyer's contact information.

Last Name: _____ **First Name:**
Primary number: _____ **Email Address**: _____

12. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is not required, but it will be helpful to us.

Last Name: _____ First Name:
Primary number: _____ Email Address: _____

13. Option to Participate in OCR's Early Mediation Process

OCR provides an early mediation process as an opportunity for you and the recipient institution to voluntarily resolve your complaint soon after you file it with OCR.

Mediation is a form of complaint resolution that OCR offers as an alternative to its investigative process. Mediation is an informal process in which a staff member from OCR who is trained in mediation assists the parties to reach a negotiated resolution of the complaint. The mediator does not decide who is right or wrong and does not have the authority to impose a settlement on the parties. Instead, the mediator helps the parties to find a mutually acceptable resolution to your complaint. Mediation is a strictly voluntary process. If either party does not want to participate in mediation, OCR will address the complaint through its regular processes.

If you are interested in participating in the early mediation process, you must check the box below. If you indicate your interest in early mediation by checking the box below **and** OCR determines that your complaint is appropriate for this process, OCR will contact you and the recipient institution and offer this resolution option. If the recipient agrees to participate in early mediation, OCR will work with you and the recipient to achieve a mutually agreeable resolution of your complaint. If the recipient does not wish to participate in early mediation, OCR will proceed with its regular processing of your complaint. ***If you do not indicate your interest in early mediation by checking the box below, early mediation will not be offered to you and OCR will proceed with its regular processing of your complaint.***

I am interested in participating in early mediation (Please check box):

NOTE: *You **MUST** submit a signed Consent Form to OCR if you want to participate in early mediation.*

14. What would you like the institution to do as a result of your complaint what remedy are you seeking?

15. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

_____ _____
(Date) (Signature)

_____ _____
(Date) (Signature)

Please mail or email the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at https://ocrcas.ed.gov/contact-ocr.

Appendix C: Textual Data for Complaint Investigations Analyzed

School	Complaint/Letter of Findings Textual Data	Resolution Agreement Textual Data
Adams State University 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.
Albany State University 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCA. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.

School	Complaint/Letter of Findings Textual Data	Resolution Agreement Textual Data
Central State University 2018 4-year University	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Clark College 2021 2-year College	Inaccessible electronic and information technologies; inaccessible documents; inaccessible videos; Pearson's MyMathLab; McGraw Hill Connect; ProctorU; Proquest and Ebrary research databases and tools; interactive campus map on institutional website; inaccessible content for online classes; videos without captions; image-based documents; accessibility advisory committee's authority does not extend to instructional materials; unclear policy or process to ensure accessibility of 3rd party applications; ICT products not always submitted to the formal procurement process where accessibility testing and checks take place, includes digital textbooks and courseware; inaccessibility of the PeopleSoft/SIS for student-facing enrollment, grades, and scheduling; reactive accessibility testing when student initiates complaint to ITC Accessibility Coord; lack of accessible campus map information on the website with the inaccessible map--alternative formats like Google Map also feel short	College will conduct assessments to determine whether the information and communication technologies Clark College intends for student use comply with an accessibility standard acceptable to OCR, such as the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1 level AA, or similar accessibility standard. If Clark College does not have sufficient internal capacity to complete professional and thorough assessments, Clark College will retain one or more consultants or hire one or more additional employees to conduct the assessments. The assessments will include applications and digital content created internally by Clark College personnel and any applications and digital content provided through other state agencies, alliances, or third-party vendors (third parties); Third-party assurances about accessibility compliance; if unable to secure assurances, provide equally effective alternate access; plan to address way finding inaccessibility; report to OCR with plan for comments; personnel training report; plan completion report

School	Complaint/Letter of Findings Textual Data	Resolution Agreement Textual Data
CUNY College of Staten Island 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.
CUNY Guttman Community College 2018 2-year College	Inaccessible website; (1) keyboard controls were not visibly apparent, which meant that content was not available to those who are blind or have low vision, and those with disabilities affecting fine motor control; (2) important images and/or links were missing text descriptions, referred to as "alt tags," that describe the images and/or links to blind and low-vision users who use special software; (3) links contained no text, which made it difficult for users with disabilities to understand the purpose or context for a link; (4) PDF documents were formatted in a way that made it unreadable for many people who use assistive technology, including people who are blind and use screen readers; and, (5) webpages lacked "Skip Navigation," which can make navigation of the website cumbersome for individuals with visual disabilities who rely on screen readers and/or individuals with physical disabilities who require use of a keyboard rather than a mouse.	corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
CUNY Medgar Evers College 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel

School	Complaint/Letter of Findings Textual Data	Resolution Agreement Textual Data
		and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.
CUNY Queens College 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.
Dallas County Community College District 2018 2-year College	The complaint alleged that certain of the DCCCD's web pages are not accessible to individuals with disabilities, including vision impairments. At the time of OCR's review, keyboard controls did not access all content and functions and visual contrast was not appropriate on the DCCCD's homepage, Veterans Services page, Online Degrees and Certificates page, and Paying for College page. Additionally, some form controls lacked labels or titles on the DCCCD's Online Degrees and Certificates page at the time of OCR's review.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of

School	Complaint/Letter of Findings Textual Data	Resolution Agreement Textual Data
		Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel.
Florida International University 2020 4-year University	LMS inaccessible and communications on LMS not effective	Prioritized remediation of LMS accessibility: high priority on first making accessible: (1) site navigation and templates; (2) key information concerning matters such as course syllabi, calendars, modules, assignments, quizzes, announcements, grades, and procedures for reporting accessibility barriers and requesting academic accommodations, academic adjustments, and auxiliary aids; (3) courses for which there is a strong likelihood or actual notice that they will be attended by one or more students or applicants with disabilities who are impacted by technological barriers to access; (4) the most popular courses available on the LMS that the University identifies; (5) portions of the LMS that are of high importance to students or applicants with disabilities; and (6) LMS content and functionality about which the University has received accessibility complaints, or which has been flagged for accessibility problems by individual users; Way to alert about accessibility issues in LMS
Framingham State University 2018 4-year University	LMS and courseware; barriers when accessing homework problem sets, pre-tests, assessments, and the digital textbook for the Course; She stated that the University provided her an additional Portable Document Format (PDF) version of the textbook, but she also experienced barriers when using this alternative format. Specifically, she stated that the PDF was formatted in such a way that her assistive technology did not always accurately read the content of the book; for example, it was formatted so some numbers, mathematical symbols, and graphs were not read correctly; HTML version of book also presented issues	allow student to retake, audit course or similar course to fulfill requisite w/o cost and w/all approved AA&S; University will complete a review of its policies, procedures, and practices for textbook selection for all courses that use the XXXXXXXXXXXXXXX (XXXX) online learning management system created by XXXXXXXXXXXXXXXX, Inc. (XXXXXXX); University will provide documentation to OCR demonstrating that academic adjustments and auxiliary aids/services were provided to students with disabilities, who use assistive technology when accessing online or digital materials and programs for classes that use XXXX; University will provide training to all University staff responsible for textbook selection for all courses that use XXXX;
Framingham State University 2021 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities. OCR evaluated the above-listed pages and determined that important images were missing or had in accurate text descriptions, called "alt tags,"; some important content of the website could only be accessed by people who can use a computer mouse, parts of the website used color combinations that made text difficult or impossible for people with low vision to	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0

School	Complaint/Letter of Findings Textual Data	Resolution Agreement Textual Data
	see; and audio recordings were not provided with captions or a transcript, so they were inaccessible to people who are deaf.	Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Glen Oaks Community College 2018 2-year College	Complainant used website accessibility evaluation tools (PowerMapper, A-Checker, and WAVE); For example, at the time of OCR's review, OCR found that "skip navigation" or "skip to content" was not provided; non-trivial graphics/images/links did not have meaningful alt text; frames did not have title attributes, and/or form controls did not have programmatically determined names, and/or forms had fields without label elements or title elements; keyboard controls were not visually apparent; and visual contrast was low in certain areas.	Draft for approval a The Web Accessibility Policy; identify and adopt the specific technical standard(s) the College 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); 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; provide a procedure to ensure that online content provided or developed by third parties is accessible; provide annual training for any staff members (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content to students, employees, guests, and visitors with disabilities.
Gogebic Community College 2018 2-year College	Complainant used a website accessibility checker (PowerMapper); alternative text for images was not always meaningful and College webpages had low visual contrast.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.

School	Complaint/Letter of Findings Textual Data	Resolution Agreement Textual Data
Hartnell College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website. OCR evaluated the above-listed pages and determined that important images were missing or had in accurate text descriptions, called "alt tags," that describe the images to blind and low-vision users who use special software; some important content of the website could only be accessed by people who can use a computer mouse, which meant that content was not available to those who are blind, many who have low vision, and those with disabilities affecting fine motor control; parts of the website used color combinations that made text difficult or impossible for people with low vision to see; and audio recordings were not provided with captions or a transcript, so they were inaccessible to people who are deaf.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Highland Community College 2022 2-year College	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	This resolution included content testing protocols to follow in the resolution appendix. Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Hill College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online

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		content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Jefferson Community College 2018 2-year College	Inaccessible website (i) keyboard controls were not visually apparent, which means that content was not available to those who have low vision, and those with disabilities affecting fine motor control; (ii) keyboard controls did not access all content and functions, which made it difficult or impossible for keyboard users who are blind, many who have low vision, and those with disabilities affecting fine motor control to access important content of the website; (iii) text in linked portable document formats (PDFs) was not Page 3 of 4 – Ty A. Stone, President accessible to blind and low-vision users who use special software; (iv) important images were missing associated text descriptions, referred to as "alt tags," that describe the images to blind and low-vision users who use special software; (v) linked videos were missing meaningful captioning to convey audible content to users who are deaf or hard of hearing; and, (vi) form fields were missing properly associated text labels, which identify the purpose and function of the otherwise unlabeled form field for users of special software.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Kalamazoo Valley Community College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in

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		online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Madison Area Technical College 2018 2-year College	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.
Massasoit Community College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.

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Miami Dade College 2021 2-year College	Complainant alleged that the College's email communications are inaccessible because they convey event information through images, which lack meaningful alternative text; OCR identified some emails that conveyed information through graphic images that lacked meaningful alternative text and were inaccessible to some people with disabilities; OCR identified some postings regarding events, that conveyed information through graphic images that lacked meaningful alternative text.	College, in consultation with OCR, will review and revise its policies, procedures, and guidelines. Ensure that the College's Email Communications and SharkNet Postings comply with a college-selected accessibility standard, such as the Web Content Accessibility Guidelines 2.0 or 2.1, Level AA (WCAG 2.0 AA or WCAG 2.1 AA), or similar standard. Identify an employee who will be responsible for receiving and resolving reports and complaints of inaccessible emails and postings on SharkNet. Taking appropriate roles into account, the College will provide notice or training regarding the College's revised Policies above to all College employees who create Email Communications; and all College employees who create Single Stop-related SharkNet Postings.
Mid-Michigan Community College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Midwestern State University 2018 4-year University	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in

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		online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Monroe County Community College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Nicolet Area Technical College 2018 2-year College	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel.

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North Central State College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
Phoenix College 2018 2-year College	Inaccessible content on LMS, inaccessible 3rd party software for lab work/dissection.	College will take immediate and continuing steps to identify and evaluate available alternative software for lab work; In evaluating alternative software, the College will request, obtain, review and evaluate each vendor's most recent accessibility testing results, if available.
St. Clair County Community College 2018 2-year College	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
The University of Texas Rio Grande Valley 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University

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		will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.
Troy University 2018 4-year University	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
University of Hawaii System 2018 4-year University	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content

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		within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
University of Maine System Central Office 2018 4-year University	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers responsible for content within the scope of the Audit and Corrective Action Plan, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.
University of North Florida 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel including documentation to OCR with a list of invitees and attendees, including titles; a description of the delivered training content; and the presenters' credentials for giving such training.

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University of North Texas - Denton 2020 4-year University	Inaccessible LMS, courseware/content and no alternate provided; internal investigation from university found efforts to provide alternatives and accommodations to the Student were neither sufficient nor practicable on an on-going basis. The Report stated that the University is obligated to provide accessible technology and that the University did not present an accessible program to the Student.	Audit and remediation of courses in question (Spanish courses), including any LMS or related course materials to meet accessibility standards, or plan to provide equally effective alternate access; planned mandatory training to the Spanish Department faculty and staff who are responsible for the adoption of digital course materials regarding the development and deployment of accessible course materials and accessible LMS on which such materials are delivered; audit by OCR of LMS accessibility--if found inaccessible, will be required to select another product within 45 calendar days.
University of the Virgin Islands 2018 4-year University	The complainant alleged that the College discriminated, on the basis of disability, because the College's website is not accessible to individuals with disabilities.	Institution directed to adopt WCAG. Submission to OCR for its review and approval proposed policies and procedures ("the Plan for New Content") to ensure that all new, newly-added, or modified online content and functionality will be accessible. Plan for New Content must include sufficient quality assurance procedures, backed by adequate personnel and financial resources, for full implementation. University will submit to OCR the approved policies and procedures, evidence of their adoption and distribution, and a description of how they are being implemented. Full audit and remediation or replacement of website. Audit of the University Online Programs, Services, and Activities Hosted by Third Party Providers. Completion and adoption of Corrective Action Plan. Feedback mechanism implementation on website. Web accessibility training to all appropriate personnel.
Wright State University-Main Campus 2018 4-year University	Complainant used a website accessibility checker to allege disability discrimination based on inaccessible website.	Corrective action plan; Proposed Policies and Procedures Regarding New Online Content and Functionality; Audit all content and functionality on its website, which includes the home page, all subordinate pages of its public-facing website, and those non-public facing pages and sites that provide programs, activities, benefits and/or services to students and employees, to identify any online content or functionality that is inaccessible to persons with disabilities, including online content and functionality developed by, maintained by, or offered through a third party vendor or an open source; W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; website accessibility training, which may be in online format, to all appropriate personnel, including, but not limited to: key content developers, webmasters, procurement officials, and all others responsible for developing, loading, maintaining, or auditing web content and functionality.