



## CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

### Miami University Agrees to Settle Disability Discrimination Claims by Making Broad Improvements to Accessibility of Campus Technology and Curricular Materials

NOVEMBER 15, 2016

On October 17, 2016, the Department of Justice announced a proposed consent decree, now pending court approval, that would resolve claims that web content and classroom technologies at Miami University in Oxford, Ohio violated the ADA.

The underlying case, *Dudley v. Miami University*, was initially filed in 2014 by a blind student who alleged that Miami had excluded her from participation in and benefit of the University's programs and services on the basis of her disability, and had failed to take appropriate steps to ensure equally effective communication with her. The Department of Justice intervened in the case to seek comprehensive relief under the ADA for all Miami University students with disabilities. In its Complaint, the Department of Justice alleged that the University's technologies were inaccessible to individuals with disabilities, including current and former students who have vision, hearing or learning disabilities. In particular, the Department of Justice claimed that the University had failed to ensure that individuals with disabilities could interact with the University's websites and access course assignments, textbooks and other materials on an equal basis with students who do not have disabilities.

In the [consent decree](#), Miami University has agreed to a detailed plan to improve the accessibility of its technologies and curricular materials, including agreeing to:

- Ensure that its web content and learning management systems conform with Web Content Accessibility Guidelines ("WCAG") 2.0 AA standards;
- Meet with every student who has a disability for which he or she requires assistive technologies or curricular materials in alternate formats, and their instructors, every semester to develop an accessibility plan;
- Procure web technology or software that best meets various accessibility standards;

- Develop an accessible technology policy, appoint an Accessible Technology Coordinator and an inter-departmental Accessible Technology Committee; and
- Hire an accessible technology specialist to perform an audit, evaluation and corrective action plan.

Finally, the University agreed to pay a total of \$25,000 to compensate specific individuals with disabilities identified by the Department of Justice.

**Client Tip:** *The consent decree is itself only binding on Miami University; however, as with all settlement agreements reached with the Department of Justice or other enforcement agencies, the consent decree provides insight into the Department's enforcement priorities and the standards it is likely to hold other educational institutions to in future enforcement actions. Institutions should review the accessibility of their own technologies and curricular materials, as well as the policies and practices of providing accessible services and materials to students with disabilities.*