

Louisiana Tech to Pay \$23,543 and Implement ADA-Compliant Policies

July 30, 2013

Louisiana Tech University and the Board of Supervisors for the University of Louisiana System recently entered into a settlement agreement with the United States Department of Justice for alleged violations of the Americans with Disabilities Act (ADA). The University voluntarily agreed to implement a number of policies targeting disability discrimination as well as pay the complainant \$23,543.00, in exchange for the Justice Department's release of the claim.

The settlement addressed unforeseen ADA compliance issues arising from increased reliance on new technologies in the classroom. The claim against the University was filed with the Justice Department by a blind student who was allegedly unable to access the University's online learning product, "MyOmlab," for one of his courses. The course required students to use MyOmlab to complete homework assignments, watch tutorials and take exams. The technology was accessible to the other students in the course. According to the student, he notified the professor about the inaccessibility of MyOmlab, and the professor instructed the student to contact the MyOmlab vendor to resolve the issue. The student followed the professor's direction, but received no response from the vendor. Subsequently, the student contacted the University administrators in the University's Office of Disability Services, explaining that he was unable to access the online learning product. The student was allegedly denied access to MyOmlab for nearly one month and withdrew from the course because he fell behind.

In addition, the same professor who taught another course in which the student was enrolled allegedly failed to provide the student with accessible study aids that the rest of his peers received. When the student asked the professor for the materials in accessible format, the professor delegated the responsibility to another student, several days after the materials were originally distributed. Accordingly, the student had less time with the materials in preparation for exams than other students in the course.

Under the agreement, the University pledged to take several actions designed to promote equal access to technology and develop an efficient system for resolving disability-related concerns. For example, the University must adopt within 120 days a policy providing that: (1) the University will only purchase, develop, or use technology and instructional materials that do not exclude persons who are blind or who have other vision disabilities; (2) the University's Office of Disability Services will actively work with professors and students to promptly solve accessibility issues when they surface; (3) professors will notify the Office of Disability Services immediately if a student makes a disability-related complaint; and (4) the University's "Grievance Policy" will be triggered any time the Office of Disability Services has not fully resolved a student's complaint within two

business days. Likewise, the University will develop an ADA training program and will submit reports to the Justice Department on the implementation of its new policies and training program, as outlined by the agreement.

If you or others at your institution have questions or concerns about whether your instructional technology is ADA compliant or about ADA compliance in general, please contact [Hayley M. Kelch, Esq.](#) at [516-357-3727](#).

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