



**U.S. Department of Justice**

**Civil Rights Division**

*Disability Rights Section - NYA  
950 Pennsylvania Ave, NW  
Washington, DC 20530*

February 18, 2014

**By Electronic Mail and Fax  
Email: [Patrick.o'rourke@cu.edu](mailto:Patrick.o'rourke@cu.edu)  
Fax: 303-860-5690**

Patrick T. O'Rourke, Esquire  
Vice President, University Counsel  
University of Colorado  
1800 Grant Street  
Suite 800  
Campus Box 35 UCA  
Denver, Colorado 80203

**RE: Americans with Disabilities Act Investigation  
of the University of Colorado at Boulder  
DJ# 204-13-314**

Dear Mr. O'Rourke:

This letter is to notify you that this office has opened an investigation of the University of Colorado at Boulder (the "University") under title II of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12131-12134, and the Department of Justice's implementing regulation, 28 C.F.R. Part 35. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. As a public university, the University is covered by title II of the ADA. The Department of Justice is authorized to investigate alleged violations of title II, conduct compliance reviews, attempt informal resolution of any title II matter, and take appropriate action – including litigation – when informal efforts at resolution fail. 28 C.F.R. pt. 35.

This investigation is in response to complaints filed with our office by students at the University who are blind or have low vision. The students allege that they have been denied, and are currently being denied, an equal opportunity to participate in, and benefit from, the University's services, programs, and activities because of their disabilities. More specifically, the allegations outline numerous barriers to the University's services, programs, and activities faced by its students with vision impairments, including:

1. The use of Google Apps for Education<sup>1</sup> for email, document processing, spreadsheets, calendar, and notice and scheduling of activities, among others, when the Apps do not function fully, or at all, with screen reader software. For example, students with vision disabilities cannot use screen reader software to edit documents in Google Docs.
2. Digital textbooks that are not made accessible in a timely way. While efforts are made to scan hard copy text books into a digital format for students with vision disabilities, often the textbook is not known until soon before a class begins and is not converted in a timely fashion causing a student to fall behind in his or her studies.
3. Digital signs that provide information only in a visual, touchscreen format. Information may include campus-wide activities, closures, emergency alerts, and other notices.
4. A University portal that is inaccessible using screen reader software and cannot be used independently to register for classes, pay bills, obtain scholarship information, or make appointments with advisors.
5. Websites for homework and course-related content that are inaccessible using screen reader software.
6. Inaccessible online placement and diagnostic exams.

These barriers have caused students with vision impairments to:

- Spend many hours in frustration trying to access university services, programs, and activities, including coursework, rather than learning the material like other students;
- Require the assistance of advisors and others to complete routine tasks rather than having the ability to complete them independently; and
- Fall behind in their coursework and withdraw from courses rather than risk a poor or failing grade.
- Be denied access to information available to students without vision disabilities.

In order to facilitate this investigation, we request that you provide the following information in writing within 30 days of the date of this letter:

---

<sup>1</sup> According to Google's website, "Google is currently offering schools a hosted solution for their email, calendar, and chat through Google Apps for Education ("Google Apps")...an integrated communication and collaboration solution." The core suite (consisting of Gmail, Calendar, Drive, Docs, Sheets, Slides, Sites, and Vault) may also be complemented to meet users' needs with "access to dozens more Google applications."  
<https://support.google.com/a/answer/13901?hl=en>.

1. The name, phone number, and email address of the designated contact person for purposes of this investigation, and a statement of whether this person has the authority to negotiate settlements.
2. The name and contact information for the employee responsible for coordinating the University's efforts to comply with and carry out its responsibilities under title II of the ADA as more fully set forth in 28 C.F.R. § 35.107.
3. All documents reflecting guidance, directives, or training provided to professors, instructors, and other University personnel on making the University's courses accessible to students with disabilities, including students who are blind or have low vision.
4. A description of the University's use of Google Apps in its services, programs, and activities, including a list of all University services, programs, and activities in which Google Apps are used – whether mandatory or permitted.
5. For each service, program, or activity listed in your response to Item 4, above:
  - a. a list of each and every Google App used;
  - b. the number of users or accounts;
  - c. copies of any documents or materials concerning the accessibility of Google Apps reviewed by the University in determining whether to use Google Apps in the identified service, program, or activity; and
  - d. copies of any policies, practices, or procedures regarding the use of Google Apps in University services, programs, and activities.
6. Copies of any policies, practices, procedures, training materials, or other documents related to ensuring that University services, programs, and activities, including classroom, co-curricular, extra-curricular, or school-sponsored activities, are accessible to individuals with disabilities, including any documents related to the use of electronic devices and/or software in such services, programs, and activities. Please include:
  - a. the University's policy and practices for making hard copy or electronic documents accessible to blind individuals for use with screen reader software, including what entity makes the documents accessible and the required timeframes for doing so;
  - b. the University's policy and practices for hiring or designating assistants and/or readers for blind students and students with low vision;
  - c. the University's policy and practices relating to accessibility of online platforms to blind students, such as coursework submission portals (e.g., MasteringBiology), online course portals (e.g., MyStatLab), testing portals (e.g., ALEKS Testing), etc.


7. For the past three (3) years, a description of all complaints or inquiries, formal or informal, received by the University about technology-related accessibility issues for people with disabilities in any University provided technology, including but not limited to Google Apps and online homework sites, and a description of the status or resolution of the matter.
8. Any other documents or information you would like us to consider in investigating this matter.

Please send responsive information to Paula Rubin, preferably in electronic format on CD or by e-mail. If providing materials by mail, please send the materials using an overnight common carrier other than the U.S. Postal Service, such as Federal Express or UPS to: Paula Rubin, U.S. Department of Justice, Disability Rights Section, 1425 New York Avenue, NW, 4<sup>th</sup> Floor, Washington, D.C. 20005. Mail through the U.S. Postal Service will not arrive in a timely manner and will be irradiated.

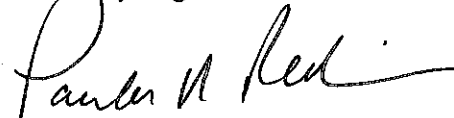
As a reminder, the University is bound by the anti-retaliation and anti-coercion provisions of the ADA, including the protections for individuals who oppose any unlawful ADA-related act or practice or who make a charge, testify, assist, or participate in any manner in an investigation, proceeding, or hearing. 42 U.S.C. § 12203.

If you have any questions please do not hesitate to contact either William Lynch at 202-305-2008, or by email at [william.lynch@usdoj.gov](mailto:william.lynch@usdoj.gov) or Paula Rubin at 202-305-2191, or by email at [paula.rubin@usdoj.gov](mailto:paula.rubin@usdoj.gov). We appreciate your cooperation in this matter and look forward to hearing from you shortly.

Sincerely,



William F. Lynch  
Trial Attorney  
Disability Rights Section



Paula N. Rubin  
Trial Attorney  
Disability Rights Section