



Eastern Kentucky University Policy and Regulation Library

1.3.5
Volume 1, Governance
Chapter 3, Americans with Disabilities Act/Section 504
Section 5, Website Accessibility
Approval Authority: Board of Regents
Responsible Executive: Associate Vice President, Communications & Brand Management
Responsible Office: Communications & Brand Management
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Website and Other Technology Accessibility

Statement

The creation and dissemination of knowledge, discovery and engagement is a defining characteristic of universities and is fundamental to Eastern Kentucky University's mission of fostering personal growth and preparing students to contribute to the success of their communities, the Commonwealth, and the world. Delivery of information electronically is central to facilitating this mission.

This policy establishes minimum requirements for the Accessibility of electronic information, communication, and technology necessary to meet the goals of the University and ensure compliance with applicable law. ECU will meet the standards and guidelines outlined in the Web Content Accessibility Guidelines (WCAG)¹ Level AA 2.0 for all Web-based electronic information, communication, and technology.

This policy references ECU Policy 1.4.1P, Non-Discrimination and Harassment.² Individuals who believe they have been subject to discrimination on the basis of disability may file a complaint with the Office of Equity and Inclusion, Jones 416, CPO 37A, 859-622-8020 (V/TTY).

Entities Affected

University Community

¹ <https://www.w3.org/WAI/standards-guidelines/wcag/>

² https://policies.eku.edu/sites/policies.eku.edu/files/policies/1.4.1p_policyondiscrimination_harassment_.pdf

Background

As a public university, Eastern Kentucky University is required to adhere to Sections 504 and 508 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. This policy specifies the procedures by which the University ensures compliance with these laws.

Procedures

I. Specific applications of the WCAG Level AA 2.0 are as follows:

- 1) Web Content (University). All websites, web pages and web-based software published or hosted by the University or used to conduct University business (including remotely hosted sites and software) shall meet the Web Content Accessibility Guidelines (WCAG)³ Level AA 2.0 and indicate in plain text a method of contact for Persons with Disabilities having trouble accessing content.

Web Content (Third Party). Content that is not hosted on the ECU.edu domain, but hosted by non-contracted Third Parties, such as social media content, is the responsibility of the Third Party.

- 2) Instructional Materials. All electronic instructional material, optional and required, shall be Accessible. This includes, but is not limited to, syllabi, textbooks, presentations, and handouts delivered within the University's learning management system, via email or via another electronic means for face-to-face classes as well as e-learning courses. It also includes electronic instructional activities such as instructional videos, online collaborative writing, Web conferences, blogging, etc.
- 3) Documents. All University produced, maintained or distributed electronic documents shall be Accessible. This includes, but is not limited to, word processing documents, PDFs, presentations, publications and spreadsheets that are scanned, uploaded, posted or otherwise published or distributed electronically.
- 4) Electronic media. All electronic multimedia resources used by the University for instruction, communication, marketing, promotion or other academic or business purposes shall be Accessible. Video must be closed-captioned and audio-described and audio resources shall be transcribed.
- 5) Software, Hardware and IT Systems. All software, hardware and IT systems used for academic and research purposes, administrative and business purposes, and customer service shall be Accessible and produce Accessible products or content, which includes compatibility with assistive technology. Software, hardware and IT systems include, but are not limited to, learning management, content management,

³ <https://www.w3.org/WAI/standards-guidelines/wcag/>

library systems, email, human resources administration, financial systems, course or event registration, freeware, shareware, enterprise systems, and online or remotely hosted software.

- 6) Procurement/Purchases. The University shall purchase electronic products and solutions, including, but not limited to, software, operating systems, Web-based applications, video and multimedia, that meet or exceed the above Accessibility standards, as verified by the Voluntary Product Accessibility Template (VPAT). All product vendors are required to provide the VPAT prior to purchase or contract. All requests for proposals from and contracts with vendors will include language that outlines this requirement and stipulates how the vendor is expected to demonstrate compliance.

Exceptions may be made to purchase a product that the vendor states will be fundamentally altered if made Accessible or the acquisition of the Accessible product would cause the University an undue burden.

II. Alternative Access

Alternative access may be provided for persons with Disabilities to electronic information, communication and technology that is (1) timely [as soon as possible but within 10 business days]; (2) accurate in translation; (3) delivered in a manner and medium appropriate to the disability; and (4) affords the individual the opportunity to obtain the information as fully, equally and independently as a person without a Disability.

Such alternatives, to be considered Equally Effective, are not required to produce the identical result or level of achievement but must afford the individual equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement in the most integrated setting appropriate to the person's needs.

For example, Equally Effective means that the end result (e.g., admission to the University) is accomplished in a comparable time and with comparable effort on the part of the requestor.

Requests for Alternative Access should be made to the Center for Student Accessibility, Whitlock Building, Room 361, CPO 66, (859) 622-2933 (V/TTY).

Definitions

- **Accessibility or Accessible:** The usability of a product, service, environment or facility by individuals with the widest range of capabilities.

- **Americans with Disabilities Act of 1990 and Amendments Act of 2008 (“ADA”):** Federal anti-discrimination law that protects the rights of qualified individuals with a disability.
- **Business Days:** Days the University is open for business.
- **Disability:** A physical or mental impairment that substantially limits one or more of the major activities of such individual; a record of such impairment; or being regarded as having such impairment.
- **Equally Effective:** The end result (e.g., admission to the University) is accomplished in a comparable time and with comparable effort on the part of the requestor.
- **Section 504 of the Rehabilitation Act of 1973:** Federal law that states that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- **Units:** Any University college, department, division or office.
- **University:** Eastern Kentucky University (EKU), including all regional campuses.
- **University Community:** Faculty, staff, students, guests, visitors and Board of Regents members as well as anyone doing business for or with the University.
- **University ADA/Section 504 Compliance Officer:** University ADA/Section 504 Compliance Officer is the 34 CFR § 104.7(a) designee that coordinates the University’s overall efforts to comply with the ADA and Section 504 of the Rehabilitation Act, as amended (1998).
- **Web Content (EKU):** Any internet content that is hosted by EKU servers or contracted services, publicly accessible or accessible on the EKU network. This includes, but **is** not limited to: text, images, videos, audio, files, and PDF documents.
- **Web Content (Third-Party):** Any internet content that is not hosted on the EKU.edu domain, but hosted by non-contracted third parties, such as social media content.
- **Web Content Accessibility Guidelines (WCAG) 2.0 (Level AA):** Web accessibility guidelines published by the Web Accessibility Initiative of the World Wide Web Consortium, specifying how to make content accessible, primarily for people with disabilities.
- **Web Content Managers:** Individuals designated within a department or unit who provide management and support for the development and maintenance of the University’s web presence, including design, content, effectiveness, and overall utility, as well as ensuring compliance with WCAG 2.0 (Level AA).

Responsibilities

- **Senior Director, Center for Student Accessibility**

- Initiate a review of and make necessary revisions to this standard as necessitated by regulatory and technological changes.
- Provide guidance to the Office of Communications & Brand Management on conducting audits and reviewing requests for exceptions.
- Receive requests for Alternative Access and communicate with Web Content Managers to address Accessibility.
- **Information Technology (IT), Office of Communications & Brand Management, Instructional Design Center, and any other Departments Authorized to Select and Provide IT Resources for Business or Academic Purposes shall:**
 - Ensure that any content management system or other Web production software be Accessible and able to produce Accessible websites.
 - Ensure that learning management systems and online conferencing systems are Accessible and compatible with assistive technology.
 - Ensure that all University-supported software and other applications are Accessible and compatible with assistive technology, and that assistive technology is made readily available to persons using University Web Content Resources.
- **Office of Communications & Brand Management**
 - Ensure Web Content Managers are identified.
 - Conduct mandatory training on a recurring basis for designated Web Content Managers on an initial and recurring basis.
 - Deny or remove credentials for current or prospective Web Content Managers who do not comply with this policy.
 - Conduct random audits for compliance with this standard.
 - Temporarily and/or permanently remove Web Content not in compliance with this regulation.
 - Initiate a review of and make necessary revisions to this standard as necessitated by regulatory and technological changes.
 - Review and approve or deny requests for exceptions to purchase products that the vendor states will be fundamentally altered if made Accessible or will cause the University undue burden to make Accessible.
- **Department of University Procurement**
 - Purchase only Electronic Information, Communication, and Technology that is Accessible and, as applicable, compatible with assistive technology, as verified by the vendor's Voluntary Product Accessibility Template (VPAT).
 - Work in collaboration with the Office of Communications and Brand Management and the Center for Student Accessibility when the vendor of a necessary product

states will be fundamentally altered if made Accessible or will cause undue burden to make Accessible.

- Require that all product vendors provide VPAT prior to purchase or contract.
- **Units (Academic and Administrative)**
 - Designate at least one primary and up to two individuals as Web Content Managers and ensure individuals are trained.
- **Website Administrators**
 - Ensure a website framework that complies with this regulation.
- **Web Content Managers**
 - Participates in all required training, on a recurring basis if necessary in order to receive and maintain logon credentials.
 - Ensure compliance with accessibility regulations directly related to editable content on the website.
 - Inform Website Administrators of Accessibility issues outside of their expertise and/or control.
 - Submit to the Center for Student Accessibility a written request for an exception in the event it is not technically possible or may require extraordinary measures to make specific electronic information, communication and technology Accessible.

Violations of the Policy

Violations of this policy may result in the University's failure to provide federally mandated accommodations for qualified individuals.

University Web Content that does not comply with this policy may be temporarily or permanently disabled, and Web Content Managers may have their logon credentials suspended or terminated.

Interpreting Authority

Office of Communications & Brand Management

Policy Adoption Review and Approval

Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
February 28, 2020	Board of Regents	Adopted

February 20, 2020 President McFaddin

Approved