

Digital Accessibility

Version 3 (Current Version)

 Print

Policy	REG08.10.04
Title	Digital Accessibility
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Sub-category	Technology Use
Authority	Chancellor
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Contact	Chief Information Officer, (252) 328-9015
Related Policies	<p>Academic Computer Use Policy (https://policy.ecu.edu/08/05/10)</p> <p>Equal Opportunity and Non-discrimination policy statement (https://policy.ecu.edu/05/25/02)</p> <p>ECU Web Regulation (https://policy.ecu.edu/08/05/06)</p> <p>Notice of Nondiscrimination and Affirmative Action Policy (https://policy.ecu.edu/05/25/02)</p> <p>University Student and Employee Use Policy (https://policy.ecu.edu/08/05/04)</p> <p>(https://policy.ecu.edu/08/05/04)Web Content Regulation (https://policy.ecu.edu/08/05/06) (https://policy.ecu.edu/08/05/04)</p>

**Additional
References**

Accessible Content Checklist for Courses (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67356>)

Accessibility Review Exemption and Exception Process (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67390>)

Americans with Disabilities Act (<https://www.ada.gov/>)

Close Captioning Requirements (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67347>)

Department of Disability Services (<https://accessibility.ecu.edu/>)

Office for Equity and Diversity (<https://oed.ecu.edu/>)

Report an IT Accessibility Issue at ECU (<https://accessibility.ecu.edu/report-an-accessibility-barrier/>)

Equally Effective Alternate Access Plan (EEAAP) (http://udloncampus.cast.org/page/policy_access)

Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter (pdf) (<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.pdf>)

IT Accessibility Compliance (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67460>)

IT Accessibility Charter (<https://itgovernance.ecu.edu/it-accessibility-workgroup/>)

IT Accessibility Evaluation Criteria includes Exceptions and Exemptions (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67390>)

IT Accessibility Resources to Support Faculty Instruction (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67437>)

N.C. General Statute § 168A-7 – Discrimination in Public Service (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_168A/GS_168A-7.html)

Section 504 of the Rehabilitation Act of 1973 (<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>)

Section 508 of the Rehabilitation Act of 1973 (<https://www.dol.gov/agencies/oasam/regulatory/statutes/section-508-rehabilitation-act-of-1973>)

United States Access Board - Section 508 Standards for EIT (<https://www.access-board.gov/ict/>)

Voluntary Product Accessibility Template (VPAT) (<https://www.itic.org/policy/accessibility/vpat>)

Web Accessibility Standards for ECU (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67281>)

Web Content Accessibility Guidelines (WCAG) (<https://www.w3.org/WAI/standards-guidelines/wcag/>)

Introduction

East Carolina University provides equal opportunity to its educational and administrative services, programs, and activities in accordance with federal and state law. This regulation extends to the university's digital, electronic, and information technologies and applies to their procurement, development, implementation, and ongoing maintenance.

This Regulation seeks to provide direction on creating accessible digital content that provides equal access for everyone, regardless of ability or disability, and is designed to ensure that all individuals have access to Digital Materials, Resources, and Technology ("Digital Material") provided by or on behalf of ECU. Everyone who plays a role in maintaining University digital material is expected to make sure that it is accessible.

1. Definitions

Accessibility Standards: are the internal standards regarding accessible Digital Material that relates to East Carolina's programs and services.

Accessible: "Accessible" means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

Digital Material (Digital Content, Resources, and/or Technology): Information, products, and services available for download or distribution electronically, or on a web page or computer application.

Disability: with respect to an individual, means (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.

Electronic and Information Technology (EIT): includes e-learning and information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, the internet and intranet websites, content delivered in digital form, electronic books and electronic book reading systems, search engines and databases, learning management systems, classroom technology and multimedia, audience response systems ("clickers"), and equipment such as classroom podiums, copiers and fax machines. It also includes any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, creation, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. This term includes telecommunications products (such as telephones), information kiosks, Automated Teller Machines (ATMs) transaction machines, computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

Equally Effective: means that the alternative format or medium communicates the same information in as timely a manner as is feasible.

Reasonable Accommodation: is any modification or adjustment to the work or academic environment that will enable a qualified applicant, visitor, student, or employee with a disability to participate in the application process or to perform an essential job function. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without

disabilities.

Section 508 Standards: are a comprehensive set of general, technical, and functional standards that apply to Federal agencies to make their electronic and information technology accessible to individuals with disabilities.

Universal Design: is the process of creating products that are accessible to people with a wide range of disabilities so that they are usable in both physical and digital environments.

Usability: How well people can use digital material to achieve their goals and are satisfied with the experience.

Web Content Accessibility Guidelines (WCAG): refer to the World Wide Web Consortium (W3C) guidelines for creating accessible Web content.

2. Purpose

The purpose of this regulation is to establish processes by which university administrators, faculty, staff, and University Constituents or affiliates will create, obtain, and maintain Digital Material in a manner that ensures that Digital Material is accessible to individuals with disabilities. Unless doing so would pose an undue burden, the University will make reasonable efforts to ensure that its Digital Material allows, regardless of the type of medium of the technology—(a) individuals with disabilities to have access to and use of information and data that is comparable to the access to and use of the information and data by those individuals without disabilities; and (b) individuals with disabilities who are members of the public seeking information or services to have access to and use of information and data that is comparable to the access to and use of the information and data by those members of the public without disabilities.

All University units, and associates/affiliates acting on behalf of a university unit, are responsible for complying with this regulation and the related minimum standards. This includes Digital Material they create, buy, or maintain, and applies to all University Digital Material. Everyone who distributes, hosts, or gets digital material for the University must follow this regulation and associated standards.

3. Minimum Standards

ECU's new Digital Material must meet minimum Accessibility Standards, except if doing so would impose a Fundamental Alteration or Undue Burden.

The following requirements apply to specific types of content, resources, and technology and reflect the minimum standards adopted by ECU pursuant to this regulation:

Web Content Accessibility Guidelines (WCAG) 2.1 Level AA

These requirements serve as the basis for Universal Design principles. Use of these principles and compliance with the above requirements is intended to result in a welcoming and equitable digital experience for a wide range of people regardless of ability, disability, or use of assistive technology.

4. Responsibility of University Constituents

Digital accessibility compliance oversight is shared by the Office of the ADA Coordinator, Disability Support Services, University Communications, and Information Technology and Computing Services (ITCS). These units provide resources and guidance to University Constituents in their responsibilities for accessible Digital Content.

Oversight of compliance with this regulation is also delegated to the head of each University unit, such as a Dean, Department Chair, Director, or other applicable unit administrator, or their designee (i.e. a "Digital Accessibility Liaison" to address the accessibility of Digital Material for the department). This individual is responsible for compliance with all University policies, regulations and rules relating to Digital Material owned or used within their department.

The Department head (or designee) will take appropriate actions to uphold the accessibility of Digital Material; communicate this regulation, and other applicable accessibility information and practices; collaborate with the offices listed in above, to respond to and resolve accessibility issues resulting from the development, use, maintenance, or purchase of Digital Material within the department.

University constituents are required to identify and prioritize existing Digital Material that is not Accessible and develop an action plan to make that existing Digital Material accessible in a manner consistent with ECU's minimum standards. In addition, upon request, University units must make any existing or historic Digital Material accessible in a timely manner. In the event existing Digital Material cannot be made accessible, the University unit must provide an Equally Effective Alternative.

5. Web Accessibility

This regulation applies to all university Web pages and applications, and requires web authors of both official and unofficial faculty and staff web sites at "ecu.edu" to comply with accessibility requirements mandated by federal and state law and ECU's minimum standards, as established by this Regulation. All university websites conducting ECU official business must link to the university's main Accessibility site which includes a statement of commitment to Web Accessibility.

6. Instructional Materials Accessibility

6.1. Scope

This regulation applies to all digital instructional materials, optional and required, whether delivered within the university's learning management system, in face-to-face classes, distance education classes or through electronic instructional activities such as email, blogs, and resources external to the university.

6.2 Responsibility

It is the responsibility of faculty or any course content developer to maintain accessible Digital Materials.

Digital instructional materials, optional and required, will be accessible and as effective and useable for persons with disabilities as they are for persons without disabilities. Instructional materials and activities will be made available to all students in a timely manner and through an equally effective means. The only exceptions are when it would cause a significant change or expense to the material. In the Americans with Disabilities Act, this is a "Fundamental Alteration or Undue Burden."

7. Software, Hardware and Operating Systems Accessibility

7.1. Scope

This regulation applies to software, hardware and operating systems purchased so that they are accessible with regard to assistive technology and are able to produce accessible products and content.

7.2. Standards

To meet the University's standards, a product must either build in accessibility features as part of the development, or be compatible with assistive technology, in a manner consistent with ECU's minimum Accessibility Standards. These standards provide proven techniques for the design and development of universally accessible software, hardware, and operating systems. The specifications address keyboard access, screen focus, tabbing order, compatibility with assistive technology, visual cues for audio alerts, field and control labeling, documentation, color coding, adjustment of screen colors, and access to menus.

8. Procurement

8.1. Scope

This regulation applies to all university purchases of Electronic and Information Technology (EIT) software, hardware and services.

8.2. Standard Operating Procedure

The university has an established process to ensure accessible technology is procured where feasible. In the event it is not feasible, the university has an exemption and exception process (see link under Additional References) that may require an Equally Effective Alternative Access Plan (EEAAP) that is approved by the University ADA Coordinator (or their designee).

8.2a Purchase orders and contracts for EIT must include one of the following clauses or other language approved by Materials Management and the University ADA Coordinator:

i. Standard Language in the Hosted Data Materials Management Contract

“Americans with Disabilities Act (ADA) Compliance: Vendor shall provide its digital technology products in a manner which is accessible and shall comply with rapidly changing accessibility guidelines. Vendor has implemented product guidelines across all of its digital platforms in accordance with the Web Content Accessibility Guidelines 2.1 (WCAG 2.1) Level AA and with the guidelines under Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C 794d), and Offeror shall provide proof of its compliance as requested by the University. Contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services. Contractor further agrees to indemnify and hold harmless ECU from any claims arising out of its failure to comply with the aforesaid requirements. Failure to comply with these requirements shall constitute a material breach and be grounds for termination of this Contract.”

ii. Language integrated into Materials Management bid requirements

“ENTERPRISE-LEVEL IT SYSTEMS OR TECHNOLOGIES: The university is committed to promote and integrate universal IT accessibility in the delivery of its resources and to develop innovative solutions to accessibility challenges for students, faculty and staff.

Vendors must:

Assure all features, components and sub-systems of the software of IT System contained on this RFQ fully comply with Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d);

or

Detail why any feature, component or sub-system contained in this RFQ/IFB/RFP does not fully comply with Section 508, and the way in which the proposed product is out of compliance; the product offered in response to this RFQ/IFB/RFP is subject to an accessibility evaluation by the university.”

8.2b Voluntary Product Accessibility Template (VPAT) a United States government standard should be generated by vendors for all products and services. The VPAT provides EIT purchasers with vendor self-disclosed information to determine if there are 508 deficiencies in the product or services. A HECVAT that addresses accessibility may be used in place of VPAT in some circumstances.

8.2c Materials Management will maintain a tracking system and coordinate with the university ADA Coordinator or their designee on exceptions and exemptions to this regulation.

9. Compliance

Compliance with this regulation is the responsibility of all staff and faculty of the university. University Constituents are responsible for evaluating their Digital Material to ensure ongoing compliance with this regulation and resources must be allocated to this ongoing evaluation, including designation of an appropriate number of designees that may function as “Digital Accessibility Liaisons.” Additionally, the university’s IT Accessibility Committee and/or other duly designated group will annually review processes, goals, and standards to ensure the use, production and procurement of accessible information technologies.

Upon request, the Office of the ADA Coordinator, Disability Support Services, University Communications, or ITCS

may provide consultation and training assistance as needed.

9.1. Requirements for IT Accessibility Committee

Annually, the IT Accessibility Committee will provide support to ECU's IT Accessibility program plan by,

- a. reviewing the IT Accessibility Committee Charter and Membership for changes and improvements;
- b. reviewing this regulation for content changes;
- c. reviewing progress on program goals and establishing new goals;
- d. reporting and tracking the progress on goals;
- e. communicating regulation guidelines to the ECU community; and
- f. assisting staff and faculty through education and consulting on the standards referenced in this regulation.

9.2 Reporting Inaccessibility

To report inaccessible digital content, software, hardware or other Information Technology Accessibility issues, contact the University ADA Coordinator, or report an issue via the institution's "Report a Barrier" tool, linked on every ECU webpage.

Members of the University community who have concerns about accessibility or the adequacy of accommodations or wish to file a complaint, should refer to the University's Notice of Nondiscrimination and Affirmative Action policy. Information about filing a complaint may be obtained from the Office for Equity and Diversity.

10. Exceptions

The following are exceptions to this regulation:

10.1 Minimal Use

If Digital Material will be used by one individual or a small number of identified individual(s) (such as a small office or a research lab), and the responsible Department Head (or Digital Accessibility Liaison) confirms that the Digital Material is accessible to the identified individuals, a de minimis exception applies to the procurement or development of such Digital Material. The Digital Material is not subject to the evaluation or remediation requirements of this regulation, and there is no requirement to provide an Equally Effective Alternative. This exception no longer applies when the Digital Material is used by individuals other than those originally identified when the Digital Material was developed or procured. Therefore, this exception shall not be used when Digital Material is intended for long-term use or by unknown future users. This exception also no longer applies when an individual notifies the University unit of an accessibility need related to the Digital Material. Once the exception no longer applies, the Digital Material is subject to all requirements of this Standard, including those related to identification and remediation of accessibility issues and to availability of an Equally Effective Alternative.

10.2 Fundamental Alteration or Undue Burden

If an Equally Effective Alternative cannot be provided because doing so would impose a Fundamental Alteration or an Undue Burden, or if another requirement of this Standard cannot be met, the University Constituent responsible for the Digital Material must request an exception to this Standard through the Office of the ADA Coordinator.

If the exception request is not approved, the Office of the ADA Coordinator may assist the University Constituent in creating an action plan including researching other vendors with similar products or identifying alternative methods to achieve the same functional goals.

10.3 A written explanation for an exception must be tracked and made available upon request. All decisions are

final.

11. Related Requirements

Failure to follow this regulation may put University information assets at risk and may have disciplinary consequences for employees, up to and including termination of employment. Contractors, vendors, and others in violation of this regulation may face termination of their business relationships with ECU.

Violation of this regulation may lead to civil or criminal penalties.

East Carolina University

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