



KEARNEY | LINCOLN | MEDICAL CENTER | OMAHA

**Effective:** [[[EFFECTIVE-DATE]]]**Last Revised:** 2019-01-08**Responsible University Administrator:**

Chief Compliance Officer

ADA/504 Coordinator

**Responsible University Office:**

UNCA, Office of the President

**Policy Contact:**

Chief Compliance Officer

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## Information and Communication Technology Accessibility Policy

### ADA/504-20-01

#### I. Scope and Reason for Policy

The purpose of this policy is to ensure equal access to Information and Communication Technology (ICT) for all university program participants with disabilities, including students, prospective students, faculty, staff, student employees, guests, and visitors.

The University of Nebraska is committed to diversity and fostering a campus culture of full inclusion of people with disabilities by providing equal opportunity access to its educational and administrative services, programs, activities, and employment. This policy establishes minimum standards for the accessibility of information and communication technologies and applies to their procurement, development, implementation and ongoing maintenance.

Ensuring equal and effective access to electronic information and communication technologies is the responsibility of all University administrators, faculty, and staff.

This policy is in accordance with federal and state laws including the Americans with Disabilities Act of 1990 (ADA), and the Amendments Act of 2008, and Section 504 of the Rehabilitation Act of 1973, Section 508 of the 1973 Rehabilitation Act as amended, and Neb. Rev. Stat. §86-516(6) and State of Nebraska Technology Accessibility Standards.

#### II. Policy Statement

All ICT acquired, procured, developed, maintained, or delivered by any campus, college, unit, department, or program must be both accessible and in compliance with the Minimum ICT Accessibility Standards established and maintained by the Central ADA/504 Coordinator. Personal productivity ICT is outside the scope of this policy if output from the product is not used by or shared with others and the product is not used for collaboration with others.

Legacy ICT information and services are subject to applicable policies and standards in effect at the time of procurement or development. Legacy ICT information and services must be made compliant with Minimum ICT Accessibility Standards upon change, reuse, or upon specific request by an eligible person encountering an accessibility barrier.

This Policy covers all ICT, current or legacy, and provides requirements for accessibility effective **[[[EFFECTIVE-DATE]]]**.

### III. Definitions

**Accessible** - Affording a person with a disability 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. A 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 benefits and opportunities afforded by the technology and equal treatment in the use of such technology. *[OCR Compliance Review No. 11-11-6002]*

**Disability** - Disability means, with respect to an individual: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. *[Americans with Disabilities Act, Title II]*

**Eligible Person** - A person with a disability who has standing to access ICT owned by or managed on the behalf of the University.

**Equally Effective Alternative Access** - "Equally effective alternate access" to electronic and information technology for persons with disabilities is based on (1) timeliness of delivery, (2) accuracy of translation, and (3) delivery in a manner and medium appropriate to the disability of the person. Such alternate(s), to be equally effective, are not required to produce the identical result or level of achievement for disabled and non-disabled persons, but must afford disabled persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs. *[Department of Justice No. 204-33-116]*

**Information and Communication Technology (ICT)** - Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include, but are not limited to: computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; Web sites; videos; and, electronic documents. *[Revised 508 Standards, 36 C.F.R. § 1194 (2018)]*

**Legacy ICT** - Any component or portion of existing ICT that complies with an earlier standard issued pursuant to Section 508 of the Rehabilitation Act of 1973, as amended, and that has not been altered on or after **[[[LEGACY-DATE]]]**, shall not be required to be modified to conform to the Revised 508 Standards. *[Revised 508 Standards, 36 C.F.R. § 1194 (2018)]*

## IV. Procedures

### General Requirements

ICT procured, developed, provided, or delivered must be accessible and in compliance with Minimum ICT Accessibility Standards.

Eligible persons encountering barriers to ICT access must be provided with an accessible method of contact with both the party responsible for the ICT and the ADA/504 Coordinators or designees. This method should be accompanied by the following language:

The University of Nebraska is committed to making its programs and services accessible to all persons. If you have a disability and are experiencing a barrier to access, please share your experience with us.

### Accessibility Requests

Current and Legacy ICT subject to a specific request by an eligible person encountering an accessibility barrier must be made accessible in a timely manner through updates to meet Minimum ICT Accessibility Standards, an Equally Effective Alternate Access Plan, or as part of an individual accommodation plan. Upon the receipt of a request reporting an accessibility barrier, the ADA/504 Coordinator's Offices will:

- Notify the eligible person that their concern has been received;
- Conduct an evaluation of the ICT in question;
- Determine what action(s), if any, are needed;
- Inform relevant stakeholders of actions that must be taken to comply with this policy; and
- Inform the individual of the outcome of their report.

### Grievance Procedure

If an eligible person is dissatisfied with any response to an ICT accessibility request or other performance under this policy, they may make a complaint using applicable system or campus grievance procedures. These procedures provide for prompt and equitable resolution of complaints alleging any action prohibited by Sections 503 or 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) or Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12132). Section 202 states, in part, that "no 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."

### Requests for Exceptions to Minimum ICT Standards

When compliance to Minimum ICT Standards is not feasible due to the nature of the ICT or its implementation, an exception may be requested from the ADA/504 Coordinators.

The ADA/504 Coordinators may grant exceptions to this policy in consultation with the requestor and other relevant parties when appropriate.

Requests for exception based on the claim of extraordinary measures that would constitute an undue burden must document the full process, staff, and budget necessary to make the ICT accessible. Note that for the purposes of determining undue burden, the University of Nebraska is considered to be a single entity, and thus a burden would be analyzed according to the impact to the institution as a whole.

Exceptions are designed to be temporary in nature and are intended to serve as a bridge toward accessibility. When evaluating and determining the scope and duration of an exception, the type and level of risk should be taken into account.

For *all exceptions* granted by an ADA/504 Coordinator, the requester must clearly document steps taken to ensure reasonable program access related to the excepted ICT through Equally Effective Alternate Access and steps being taken by the vendor to remedy noncompliance not excepted.

### Reasons for ADA/504 Exceptions to Minimum ICT Standards

#### *Fundamental Alteration or Technical Infeasibility*

Requests for exception based on *fundamental alteration or technical infeasibility* must also clearly document:

- The basis for determination of fundamental alteration or technical infeasibility; and
- The specific provisions of policy and standards for which an exception is requested.

#### *Commercial Non-Availability*

Requests for exception based on *commercial non-availability* must also clearly document:

- The basis for determination of non-availability including a description of the market research performed;
- The basis for determining that the ICT requested for exception is a selection that best meets policy and standards consistent with documented business needs; and
- The specific provisions of policy and standards for which an exception is requested.

#### *Limited and / or Research Use*

Requests for exception based on *limited and / or research use* must clearly document:

- The size and nature of the audience exposed to the ICT;
- The proposed timeframe for use of the ICT;
- The accessibility needs of the audience and how they will be addressed; and
- The Research need and /or rationale for the use of inaccessible ICT.

## Responsibilities

### Central ADA/504 Coordinator

- Administer and interpret this policy and associated documents, providing training as needed to support its implementation; and

- Initiate necessary revisions of this policy, the associated Minimum ICT Accessibility Standards and other associated documents as necessitated by regulatory and/or technological changes.

### Campus and Central ADA/504 Coordinators

- Review and grant exceptions to the policy or Minimum ICT Accessibility Standards as appropriate;
- Take and resolve concerns or complaints related to the policy;
- Guide development of Vendor Accessibility Remediation Plans, in collaboration with Procurement Services and stakeholders;
- Guide development of Equally Effective Alternative Access Plans, in collaboration with stakeholders;
- Determine accessibility of proposed ICT procurement, in collaboration with Information Technology Services, Procurement Services and stakeholders; and
- Facilitate technical assistance regarding understanding, achieving, and maintaining compliance with this policy, and with the associated Minimum ICT Accessibility Standards.

### General Counsel

- Provide legal advice regarding drafting and maintenance of appropriate contract language related to ICT accessibility and the Minimum ICT Accessibility Standards including best practices for determining adjustment and negotiation of terms.

### Information Technology Services (*Virtual Accessibility Lab*)

- Ensure that ICT procured, developed, provided, or delivered is accessible and in compliance with Minimum ICT Accessibility Standards;
- Incorporate accessibility testing, documentation, issue tracking, and remediation into ICT development processes, remediating issues in a reasonable timeframe;
- Ensure, through technical remediation or training, that supported ICT that provides authoring capabilities is able to produce output that complies with Minimum ICT Accessibility Standards;
- Incorporate information and guidance regarding accessible use of supported ICT to provided trainings where relevant and appropriate;
- Provide appropriate information and support in determining ICT accessibility, in collaboration with the ADA/504 Coordinators and Procurement Services;
- Assist in development of Vendor Accessibility Remediation Plans and Equally Effective Alternative Access Plans, ensuring plans provide information necessary to complete IT Risk Mitigation and Accessibility Evaluation Reports in collaboration with the ADA/504 Coordinators, Procurement Services and stakeholders; and
- Comply with actions determined necessary by the ADA/504 Coordinators to maintain compliance under this policy.

### Procurement Services

- Ensure that ICT procured, developed, provided, or delivered through procurement processes is accessible and in compliance with Minimum ICT Accessibility Standards or has been granted a documented exception by the ADA/504 Coordinators;

- Assist stakeholders in understanding Minimum ICT Accessibility Standards, in understanding policies related to the procurement of accessible ICT, and in gathering documentation necessary to evaluate the accessibility of ICT content, products, and services;
- Facilitate accessibility evaluation during procurement processes and renewals, including acquisition of appropriate documentation, contact information, evaluation access, and known accessibility barriers in collaboration with the ADA/504 Coordinators, Information Technology Services, and stakeholders;
- Assist in development of Equally Effective Alternative Access Plans and Vendor Accessibility Remediation Plans, in collaboration with the ADA/504 Coordinators, Information Technology Services, and stakeholders;
- Ensure the use of appropriate contract language regarding ICT accessibility, Minimum ICT Accessibility Standards, and implementation of Vendor Accessibility Remediation Plans, in consultation with General Counsel; and
- Comply with actions determined necessary by the ADA/504 Coordinators to maintain compliance under this policy.

### Campuses, Colleges, Units, Departments, and Programs

- Ensure that ICT procured, developed, provided, or delivered is accessible and in compliance with Minimum ICT Accessibility Standards and with other applicable accessibility standards and best practices or has been granted a documented exception by the ADA/504 Coordinators;
- Provide appropriate information and support in determining ICT accessibility, and in developing Equally Effective Alternative Access Plans and Vendor Accessibility Remediation Plans, in collaboration with the ADA/504 Coordinators, Information Technology Services, and Procurement Services;
- Make legacy and archived ICT information and services accessible and in compliance with Minimum ICT Accessibility Standards upon update or reuse;
- Respond to individuals encountering barriers to ICT access and elevate their concerns and complaints to the ADA/504 Coordinators; and
- Comply with actions determined necessary by the ADA/504 Coordinators to maintain compliance under this policy.

## VI. Forms

- Accessibility Conformance Evaluation  
[[[This should have a permalink URL somewhere in the nebraska.edu hierarchy]]]

## VII. Related Information

- Minimum ICT Accessibility Standards  
[[[This should have a permalink URL somewhere in the nebraska.edu hierarchy]]]
- Accepted Testing Methodologies and Tools  
[[[This should have a permalink URL somewhere in the nebraska.edu hierarchy]]]
- IT Risk Mitigation Form  
[[[This should have a permalink URL if possible]]]
- Revised Section 508 Standards, 36 C.F.R. § 1194 (2018)  
[https://www.govinfo.gov/content/pkg/CFR-2018-title36-vol3/xml/CFR-2018-title36-vol3-part1194.xml]

- Web Content Accessibility Guidelines (WCAG) 2.1  
[<https://www.w3.org/TR/WCAG21/>]
- Guidance on applying WCAG 2.0 to Non-Web Information and Communications Technologies (WCAG2ICT)  
[<https://www.w3.org/WAI/standards-guidelines/wcag/non-web-ict/>]
- Authoring Tool Accessibility Guidelines (ATAG) 2.0  
[<https://www.w3.org/TR/ATAG20/>]

## VIII. History