

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Bryan Dearing, Associate General Counsel
Current Title/# (if applicable):	Information and Communication Technologies Accessibility
Submitted on Behalf Of:	Jessie Minton, Chief Information Officer
Responsible Executive Officer:	Chief Information Officer

SELECT ONE: **New Policy** **Revision** **Repeal**

Click the box to select

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: **Yes** **No**

If yes, which attorney(s): Bryan Dearing and Jessica Price

GENERAL SUBJECT MATTER

Include the policy name and number of any existing policies associated with this concept.

Information and Communication Technologies Accessibility Policy. The intent of the policy is to articulate the University's dedication to access, equity and inclusion in its information and communication technologies.

RELATED STATUTES, REGULATIONS, POLICIES, ETC.

List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.

Section 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

STATEMENT OF NEED

What does this concept accomplish and why is it necessary?

The University requires a policy in place that sets forth the expectations and guidelines for adhering to information and communication technology accessibility in compliance with Federal law. The policy articulates that any new websites or other internet content must ensure that people with disabilities are able to access the same information, engage in the same interactions, and have the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use; and that they are not excluded from participation in, denied the benefits of or otherwise subjected to discrimination in any university programs, services, and activities. For pre-existing websites and internet content, the policy outlines a rolling adoption, of efforts to identify, review, prioritize, and modify this content.

AFFECTED PARTIES

Who is impacted by this change, and how?

All colleges, departments, offices and entities that create, update and disseminate information communication technologies.

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)

Name	Office	Date
Zack Barnett, Melissa Foley, Jason Huebsch	University Communications	
Jessie Minton, Noreen Hogan	Information Services	
Martin Stanberry	Affirmative Action and Equal Opportunity	
James Bailey, Hilary Gerdes	Accessible Education Center	
Helen Chu	UO Libraries	
Greg Shabram	Purchasing and Contracting Services	
Ben Brinkley	CAS IT	
Jim Bouse	Office of the Registrar	
Mark McCulloch	Business Affairs	
Jimmy Stanton	Athletics	
Trisha Burnett	Internal Audit	
Noel Nightingale	Office of Civil Rights, U.S. Dept. of Education	
Strategic Enterprise Risk Management Committee		

Reason for Policy

The University of Oregon is committed to access, equity, and inclusion for information and communication technologies (ICT), e.g., including, but not limited to, information resources such as web pages, websites and databases; web- and computer-based applications allowing for interaction between software and users; services employing information technology and telecommunications equipment used to support its mission of exceptional teaching, research, and service as a comprehensive public university. As the university operates in an increasingly digital environment, equitable access for all is critical for our success. It is essential that accessibility be seamlessly integrated as the university acquires, creates, uses and publishes information and communication technologies. With these core institutional values, this policy and its accompanying procedures establish standards and expectations in alignment with nationally recognized best practices and applicable law, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended.

Entities Affected by this Policy

All those engaged with producing or using UO communication and information technologies.

Web Site Address for this Policy

[Provided by Office of the University Secretary after policy is posted online]

Responsible Office

For questions about this policy, please contact Information Services at (541) 346-NETS (6387).

Enactment & Revision History

XXXX

Policy

All University of Oregon web pages and other ICT should be made accessible to the widest range of users, including those with disabilities, as described in more detail in the procedures accompanying this policy. 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. Unless an exemption is approved by the Chief Information Officer or their designee, all colleges, departments,

offices and entities of the University will create, update, and disseminate ICT by making it consistent with the prevailing national access standards as set forth in the procedures that accompany this policy.

This is a rolling adoption, with certain ICT prioritized over others, and its schedule will be set forth separately in the procedures accompanying this policy.

The Chief Information Officer or their designee, will define and oversee an inter-departmental Information and Communication Technologies Access Committee (ICT Access Committee) to implement, maintain and enforce procedures, procurement processes, and accessibility guidelines covering the University of Oregon digital environment to ensure that the university is fulfilling its commitment to accessibility for all and complying with applicable law. This digital environment includes, but is not limited to, web-based and native applications, media productions and presentations, and other emerging hard- and software technologies. Procedures, resources, and exemption criteria shall be reviewed and amended as necessary on an as-needed basis by the ICT Access Committee.

While the ICT Access Committee is responsible for the creation and periodic revision of these evolving guidelines, it is incumbent upon those who create, procure, maintain, or are otherwise responsible for university ICT to ensure the accessibility of the technology and associated content. This obligation is ongoing and will require regular monitoring and evaluation as described in more detail in the procedures accompanying this policy.

The university will provide training opportunities and assistance, where appropriate.

Exemptions / Alternative Processes

Requests for exemptions from accessibility requirements must be approved by the University President or their designee(s), pursuant to the procedures accompanying this policy. Exemptions will be granted when action would result in a fundamental alteration in the nature of its program or activity or undue financial and administrative burdens, as determined by the University President or their designee(s), and must be accompanied by a written statement. The determination that an undue burden or fundamental alteration would result must be based on all resources available for use. If an action would result in a fundamental alteration or undue burden, the University of Oregon will pursue other appropriate options to provide individuals with disabilities the benefits and services of the program or activity in an equally effective and equally integrated manner, with substantially equivalent ease of use, as fully, equally and independently as individuals without disabilities.

Related Resources

ICT Accessibility Procedures {hyperlink to be posted}

**[OPTION 1] – BAG funding ICT Program Manager and Audit
Accessibility Guidelines, Procurement Processes and Procedures**

The University of Oregon strives to ensure that people with disabilities have access to its programs, services, or activities, including those delivered using information and communication technologies (ICT). As the university operates in an increasingly digital environment, equitable access for all is critical for our success. It is essential that accessibility be seamlessly integrated as the university acquires, creates, uses and publishes information and communication technologies. The University's commitment to equal access to ICT is formally stated in its ICT Accessibility Policy and through publication and review of these ICT Accessibility Procedures and Guidelines.

1. SCOPE

All personnel responsible for existing information and communication technology must use good faith efforts to ensure compliance with prevailing national standards (e.g., WCAG 2.0) on all UO public web pages used to conduct University programs, services, or activities pursuant to the applicable implementation timeline described below, unless granted an exemption (as described below). All University departments are responsible for ensuring that all public web pages hosted by the University (<https://uoregon.edu/>) are in compliance. Depending on the particular circumstances of each case, the standards contained in this policy and procedure may not apply to ICT published by students, employees, or agents that are hosted by the University but are not used to conduct any program, service, or activity of the University business. To assist in this determination, all employees, students, and agents who are considering the creation of new UO ICT (e.g., a webpage), must comply with these procedures before going live with the ICT.

2. IMPLEMENTATION

The University President or their designee will establish a schedule for audit, assessment, and evaluation of UO websites for compliance and incorporate it into these procedures. The Chief Information Officer or their designee will work with the campus community on compliance and provide support, where appropriate.

- :- To be determined.

3. ICT ACCESSIBILITY COORDINATOR

The ICT Accessibility Coordinator will oversee compliance of ICT resources at the University and develop standards, capabilities, remediation projects, training and support of accessible technologies across campus. This position will also chair the ICT Access Committee discussed in more detail below.

4. ACCESSIBILITY AUDIT

The University will conduct an annual accessibility audit/assessment of existing content and functionality on the University's public website and to identify any online content or functionality that is inaccessible to persons with disabilities. The auditor will have sufficient knowledge and experience in website accessibility to carry out all related tasks. The initial audit will be conducted by an external auditor; recurring annual audits/assessments may be conducted internally.

5. RESOURCES

- **Accessibility Webpage:** Information about the appropriate standard, who to contact for questions or concerns, who to contact prior to creating new UO ICT, and how to file a complaint/grievance will be located on the UO's Accessibility webpage.
 - Definitions
 - Validation process
- UO prohibits discrimination on the basis of race, color, sex, national or ethnic origin, age, religion, marital status, disability, veteran status, sexual orientation, gender identity, and gender expression in all programs, activities and employment practices as required by Title IX, other applicable laws, and policies. Retaliation is prohibited by UO policy. Questions may be referred to the Title IX Coordinator or the Office of Investigations and Civil Rights Compliance. Contact information, related policies, and complaint procedures are listed on the [statement of non-discrimination](#).
- **Accessibility Link:** The University will include an "Accessibility" link on its home site "https://uoregon.edu/" that will link to an accessibility page which will include notice to persons with disabilities regarding who to contact to report and/or resolve online information or functionality that is currently inaccessible. The Accessibility page will also include information about, or an accessible link to information about, how to file a complaint/ grievance with the university pursuant to the requirements of Section 504 and Title II.

6. PROCUREMENT

- **Requirements for information and communication technology procurement.** UO will require vendors who develop online content for functionality of UO public websites to comply with University accessibility standards.
- **Human Review of Hardware and Software Products.** Purchasing and Contracting Services (PCS) will work with appropriate campus stakeholders to develop a mechanism to evaluate hardware and software products purchased or acquired by UO to meet accessibility national standards to the extent feasible. Furthermore, PCS will initiate a strategic purchasing initiative to establish a pool of approved web development vendors capable of providing products and services that meet University accessibility standards.

7. EXEMPTIONS / ALTERNATIVE PROCESSES

- **Archived ICT:** ICT that are no longer available to a wide audience, but are subject to record retention plans, including but not limited to archived web pages, do not have to comply with the above described standards for accessibility unless specifically requested by an individual with a disability, and then the University must make such specific ICT available in an equally effective accessible format, and in a timely manner, to the individual requesting access.

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- **Legacy ICT:** Units with legacy web pages, e.g. ICT published prior to January 1, 2016 and not significantly modified or edited since that time, do not have to comply with the above described standards, but are encouraged to do so, as well as to identify and improve the accessibility of their pages, and otherwise make such specific ICT available in an equally effective accessible format, and in a timely manner, to any individual requesting access
- **Undue burden, fundamental alteration, and non-availability** may qualify as exemptions from the policy under the following circumstances:
 - **Undue burden:** Where compliance is not technically possible or may require extraordinary measures due to the nature or intent of the information resource, application or service, a request for exemption must be made. Lack of sufficient funding, in isolation, for any particular college, department, program, or unit of the University would not be considered for an exemption.
 - **Fundamental alteration:** Where compliance would result in a fundamental alteration of the information resource, application, or service, and not satisfy the original intent.
 - **Non-availability:** Where, in the case that information resources, applications and services that are procured through third party vendors or contractors, and that no alternative accessible products are available from other third party vendors or contractors, procurement can be made of a non-compliant product.
- **Implementation in Progress:** Where the product is not currently in compliance, but efforts are underway to fix the defects by a defined date. A process has been set for compliance implementation, see Schedule for Adoption section.
- **Making Exemption Requests:** Requests for exemptions must be submitted in writing. The conclusion of undue burden, fundamental alteration, or non-availability is an institutional decision to be made by the University President or their designee, in consultation with the affected unit, the ICT Access Committee, and others with relevant perspective or expertise. In the case of undue burden or fundamental alteration exception that is granted, the University must document its plan for providing equally effective alternate access under the circumstances.

8. CONCERNS / COMPLAINTS

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- **Reporting Concerns.** The University has an accessible a secure Web-based reporting system for individuals to report ICT accessibility concerns: [_____]. If a current or prospective student, employee, candidate for employment, or campus community member who is attempting to access University programs, services, or activities, seeks to raise a concern about the accessibility of UO ICT, then the person may contact ____ (tech office) and the ICT Accessibility Coordinator.
- **Filing a Complaint.** Any student, employee, candidate for employment, or campus community member may file a complaint with the Office of Investigations and Civil Rights Compliance. The Office of Investigations and Civil Rights Compliance will work with employees, students and campus community members to ensure that they understand their complaint options, are protected from retaliation and are provided with interim measures as appropriate. The Office of Civil Rights Compliance can be contacted at:
 - By telephone at (541) 346-3123
 - By email at icrcinfo@uoregon.edu.
 - In-person at 677 East 12th Ave., Suite 452, 5221 University of Oregon, Eugene, OR 97403-5221

9. TRAINING

- The University will deliver website accessibility training to all appropriate personnel, including, but not limited to: content developers, webmasters, communications officials, procurement officials, and appropriate IT personnel. The training will include information about how to comply with the ICT Accessibility Policy, Procedure, and Implementation set forth above.

10. ICT ACCESS COMMITTEE

- **ICT Access Committee.** The ICT Access Committee is responsible for implementing, maintaining and enforcing these procedures, procurement processes, and accessibility guidelines covering the University of Oregon digital environment to ensure that the university is fulfilling its commitment to accessibility for all and complying with applicable law. The ICT Committee is also responsible for monitoring compliance with these procedures, and for periodic review of the procedures, resources, and exemption criteria contained herein. Such review shall occur on an annual basis.
- Links to related policies