

UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM

SECTION: General Administration

NUMBER: 01.D.13

AREA: Legal Affairs

SUBJECT: Electronic and Information Resources Accessibility

1. PURPOSE

- 1.1. The University of Houston System (the “System”) and its universities (“University”) are committed to providing a work environment that affords equal access and opportunity to otherwise qualified individuals with disabilities (see [SAM 02.E.09 \(Reasonable Workplace Accommodations for Employees With Disabilities\)](#)), in compliance with federal and state law. Consistent with this commitment, the System strives to provide Electronic and Information Resources (“EIRs”) that are accessible to all members of the University community and that meet the requirements of the Texas Department of Information Resources (“DIR” or “Department”).
- 1.2. The purpose of the Electronic and Information Resources Accessibility Policy is to establish rules for the procurement, development, maintenance, and use of electronic and information resources that will be accessible for persons with disabilities.
- 1.3. This Policy covers all EIR content and technology including, but not limited to, websites, web-based and mobile applications, email, web conferencing, video conferencing, video streaming, instructional materials (including documents and course content included in Learning Management Systems), electronic documents, blended and online courses, and all academic and administrative software applications acquired or adopted. The Policy also requires a method to ensure that communication at University-wide events is accessible and enables full participation.

2. SCOPE

- 2.1. This Policy applies to students, faculty, staff, visitors to campus, vendors and suppliers.

3. DEFINITIONS

- 3.1. Electronic and Information Resource or Electronic and Information Resources (“EIR” or “EIRs”) - Information Technology and any equipment

or interconnected system or subsystem of equipment that is used in the creation, conversion, duplication, storage or delivery of data or information. EIR includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, Heating, Ventilation, and Air Conditioning (HVAC) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, and are not considered information technology. However, if the embedded information technology has an externally available web or computer interface, that interface is considered EIR ([TAC 213.1\(9\)](#)).

- 3.2. Exception - A justified, documented non-compliance with one or more standards or specifications of Texas Administrative Code, [Chapter 206](#) and/or [Chapter 213](#) of this title, which has been approved by the President or Chancellor ([TAC 213.1\(11\)](#)).
- 3.3. EIR Accessibility Coordinator - The employee designated by the President or Chancellor to develop, monitor, support and maintain its accessibility policy institution-wide. ([TAC 213.41](#))
- 3.4. Information Technology - Terms such as, but not limited to, Information and Communications Technology (“ICT”), Information Technology (“IT”), Electronic Information Technology (“EIT”), etc. can be considered interchangeable terms with EIR for purposes of applicability or compliance with TAC 213 ([TAC 213.1\(9\)](#)).
- 3.5. Product – Electronic and Information Technology ([TAC 213.1\(16\)](#)).
- 3.6. Self-Contained, Closed Products - Products which generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks in information transaction machines, copiers, printers, calculators, fax machines and other similar products ([TAC 213.1\(18\)](#)).
- 3.7. TAC Accessibility Rules - Rules issued by the DIR regarding the development, procurement, maintenance and use of EIRs by institutions of higher education and set forth in Title 1, Chapter 206, Rule 206.70 of the Texas Administrative Code (“[TAC 206.70](#)”) and in Title 1, Chapter 213 of the Texas Administrative Code (“[TAC 213](#)”).

- 3.8. Technical Accessibility Standards and Specifications - Accessibility standards and specifications for Texas agency and institution of higher education websites and EIR set forth in Texas Administrative Code, [Chapter 206](#) and/or [Chapter 213](#) of this title ([TAC 213.1\(19\)](#)).
- 3.9. Telecommunications - The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received ([TAC 213.1\(20\)](#)).

4. PROCEDURES AND RESPONSIBILITIES

4.1. The Chancellor:

- A. Will designate a System EIR Accessibility Coordinator ("SEIRAC") to ensure compliance with [TAC 213](#) and policy. The SEIRAC shall be organizationally placed to facilitate System-wide EIR accessibility compliance and practices in support of accessibility policies. The institution's designation must contain the individual's name and other information in the format prescribed by the DIR ([TAC 213.41\(d\)](#)).
- B. Or designee will inform the DIR within 30 days whenever the System's EIR Accessibility Coordinator position is vacant, or a new/replacement System EIR Accessibility Coordinator is designated ([TAC 213.41\(e\)](#)).
- C. Will approve any Exception to the TAC Accessibility Rules ([TAC 213.37](#)).
- D. Ensure appropriate staff receives the training necessary to meet accessibility-related rules ([TAC 213.39](#)).

4.2. The President:

- A. Will designate an EIR Accessibility Coordinator ("EIRAC") to ensure compliance with [TAC 213](#) and policy. The EIRAC shall be organizationally placed to facilitate University-wide EIR accessibility compliance and practices in support of accessibility policies. The institution's designation must contain the individual's name and other information in the format prescribed DIR ([TAC 213.41\(d\)](#)).
- B. Or designee will inform the DIR within 30 days whenever the institution of higher education EIRAC position is vacant, or a new/replacement EIRAC is designated ([TAC 213.41\(e\)](#)).
- C. Will approve any Exception to the TAC Accessibility Rules ([TAC 213.37](#)).
- D. Ensure appropriate staff receives the training necessary to meet accessibility-related rules ([TAC 213.39](#)).

4.3. The System EIR Accessibility Coordinator’s responsibilities include, but are not limited to:

- A. Establish and monitor accessibility standards to be used System-wide.
- B. Develop and maintain policies, procedures, guidelines and tools that assist UHS and its Universities in meeting the requirements of [the Americans with Disabilities Act \(“ADA”\)](#), ADA Amendments Act, The Rehabilitation Act of 1973, [1 TAC 206](#), [1 TAC 213](#), and [TGC 2054.451](#).
- C. Develop, maintain and oversee the implementation of the System EIR accessibility policies, strategic plan, remediation plan and corrective action plans.
- D. Monitor System EIR exception processes and corrective action plans, including documentation and tracking requirements.
- E. Monitor University status of Exception requests and corrective action plans.
- F. The SEIRAC will hold regular meetings with University EIR Accessibility Coordinators to:
 - 1. Provide updates regarding Texas and federal laws and regulations;
 - 2. Promote strategies for the acquisition and development of EIR;
 - 3. Oversee and/or provide System-wide training opportunities;
 - 4. Provide mentoring to University EIR Accessibility Coordinators;
 - 5. Support University EIR Accessibility Coordinators in identifying barriers to accessibility and develop workable solutions; and
 - 6. Monitor University status of Exception requests and corrective action plans.

4.4. The EIR Accessibility Coordinator’s responsibilities include, but are not limited to:

- A. Overseeing accessibility compliance efforts and representing the University on accessibility matters to external entities.
- B. Develop an EIR accessibility compliance plan and goals, which include

progress measurements towards meeting those goals ([TAC 213.41\(f\)](#)).

- C. Monitor the University's compliance efforts and assist in remediation planning as required.
- D. Develop and implement a plan by which EIR and standards related to EIR accessibility will be brought into compliance with the TAC Accessibility Rules, this policy and procedures related to EIR.
- E. Support the System in identifying barriers to accessibility and developing workable solutions.
- F. Establish criteria and monitor compliance with:
 - 1. TAC Accessibility Rules;
 - 2. This Policy; and
 - 3. Procurement procedures as defined in Section 7.
- G. Provide policy guidance to employees for development, support, maintenance and compliance with this Policy and compliance with the TAC Accessibility Rules.
- H. Ensure testing and monitoring website compliance ([TAC 206.70](#)).
- I. Oversee studies and risk assessment activities used for planning and implementing accessibility initiatives.
- J. Provide compliance reports, recommendations and budgets to leadership as required.
- K. Assist the Information Resource Manager in completing the DIR accessibility surveys.
- L. Maintains a process for students, employees and the public to report accessibility compliance concerns.
- M. The EIRAC will hold regular accessibility workgroup meetings with liaisons or representatives from all areas of the University to:
 - 1. Provide updates to Texas and federal laws and regulations;
 - 2. Promote strategies for the acquisition and development of accessible EIR;
 - 3. Oversee and/or provide University-wide training opportunities; and

4. Provide mentoring and support for liaisons or representatives in identifying barriers to accessibility in their areas, and develop workable solutions.

5. MONITORING AND TESTING

- 5.1. All new or changed web page/site designs must be tested using one or more EIR accessibility validation tools ([TAC 206.70\(d\)](#)).
- 5.2. All new or changed web pages must be monitored for compliance.
- 5.3. Monitoring includes a combination of automated testing reports and manual reviews ([TAC 206.70\(e\)](#)).

6. EIR EXCEPTION REQUESTS

- 6.1. The SEIRAC will monitor System Exceptions and corrective action plans, including documentation and tracking requirements.
- 6.2. The SEIRAC will monitor University EIR Exception processes, including documentation and tracking requirements for policy compliance.
- 6.3. Staff with appropriate accessibility training, as determined by the SEIRAC, will work with faculty and staff to develop and track exception requests ([TAC 213.37](#)). Tracking will include approved, denied, expired and incomplete.

A. The Exception request must include:

1. Date of expiration or duration of the exception ([TAC 213.37\(4\)\(A\)](#));
2. Plan for alternate means of access for persons with disabilities ([TAC 213.37\(4\)\(B\)](#));
3. Justification for the Exception including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks ([TAC 213.37\(4\)\(C\)](#)); and
4. Documentation of how the University considered alternative solutions and all institution resources available to the program or program component for which the product is being developed, procured, maintained or used ([TAC 213.37\(4\)\(D\)](#)).

B. Staff with appropriate accessibility training, as determined by the SEIRAC, notifies the following people before an EIR Exception expires:

1. The EIRAC;

2. Employee or department that requested the Exception; and
3. Contract manager for an Exception related to purchased or acquired electronic goods or services.

7. EIR ACQUISITION AND PROCUREMENT

- 7.1. Any EIR developed, changed or procured (including zero dollar purchases) by the University or through a procured services contract, and all EIR services provided through hosted or managed services contracts must comply with the standards described in TAC 213, Subchapter C, and TAC 206.70.
- 7.2. The procurement standards and processes related to these regulations shall apply whenever a contract or other acquisition requires a vendor to:
 - A. Provide free or paid EIR for University use;
 - B. Develop an EIR for a University;
 - C. Change an EIR for the University's use; or
 - D. Provide EIR not directly related to the product or service, but is expected to be used by staff, faculty and/or students.
- 7.3. The University procurement standards and processes shall require that all appropriate terms and conditions needed to meet accessibility requirements are addressed in EIR acquisition documents and contracts. Vendor products and the vendor itself will be evaluated for credible evidence of the vendor's capability or their ability to produce accessible EIR products and services. Credible evidence may include:
 - A. Completed VPATs or accessibility conformance reports for applicable commercial off the shelf products and/or services; and
 - B. Other documents/forms requested by the University that provide credible evidence of the vendor's capability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results, or other survey method that evaluates an organization's ability to deliver a service where a product attestation is not possible ([TAC 213.38](#)).
- 7.4. If credible accessibility documentation cannot be provided or is not acceptable, then EIR shall be considered noncompliant.

