



ADMINISTRATIVE POLICY STATEMENT

Policy Title: Digital Accessibility

APS Number: 6011

APS Functional Area: **INFORMATION TECHNOLOGIES**

Brief Description:	CU is committed to communicating digital information and providing its digital services, programs, and activities to all qualified individuals in an accessible manner.
Effective:	July 1, 2024
Approved by:	President Todd Saliman
Responsible University Officer:	Associate Vice President and Chief Information Officer
Responsible Office:	University Information Services
Policy Contact:	University Information Services
Supersedes:	January 1, 2019, Digital Accessibility
Last Reviewed/Updated:	July 1, 2024
Applies to:	Universitywide. The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements herein.

Reason for Policy: To improve accessibility in the digital environment for individuals with disabilities. Governance authority rests ultimately with the president and chancellors; this policy provides necessary governance structures and outlines campus requirements for digital accessibility.

I. INTRODUCTION

Federal and state law require that CU afford all qualified individuals with equal access to programs, services and activities, and effectively communicate with individuals with disabilities. Additionally, pursuant to Section 24-34-802, C.R.S., CU is required to comply with the rules establishing technology accessibility standards, as adopted by the State of Colorado’s Governor’s Office of Information Technology.

In addition to complying with the law, CU values communicating information to all individuals in a manner that enables them to achieve their academic and professional goals. When implementing this policy, the campuses and system administration will be guided by the following principles:

- Unified commitment to inclusiveness through improving digital accessibility.
- Increasing awareness and empathy to improve campus climate for individuals with disabilities.

To maximize CU’s potential to achieve these commitments, the university has established the following policy regarding digital accessibility.

II. POLICY STATEMENT

- A. Digital Accessibility Standards: All faculty, staff, and contractors who use, create, purchase, or maintain Information and Communication Technology (ICT) in *Active Use*, as defined in section III.B, within the scope of their work for CU, including ICT that is public-facing, must follow all applicable requirements for digital (also known as technology) accessibility, including the rules establishing accessibility standards, as promulgated by the State of

Colorado's Governor's Office of Information Technology ("Accessibility Standards")¹, unless it would fundamentally alter the nature of a program, service, or activity or impose an undue burden, fundamental alteration, or direct threat (as described below). The Accessibility Standards require that ICT comply with the technical standards of Web Content Accessibility Guidelines (WCAG), WCAG 2.1, conformance levels A and AA, in addition to other potentially applicable technical standards.

- B. Digital Accessibility Governance Structure: Each campus² chancellor, or designee(s), shall establish and maintain structures for: 1) providing training for faculty and staff who use, create, purchase, or maintain ICT for university in the scope of their employment for CU; 2) compliance governance; 3) purchasing ICT; and 4) processing reasonable accommodations and modifications regarding ICT. These structural requirements shall be addressed in the digital accessibility statement discussed in section II.E, or in other documentation including, but not limited to, a campus policy and/or procedure.
- C. Digital Accessibility Committee: The University Officer responsible for this policy, or designee, will establish an ad hoc or standing committee of at least one representative from each campus digital accessibility governance structure, as referenced above in section II.B, or their designee(s). The committee's purpose is to serve as a centralized support resource to the campuses to facilitate implementation and ongoing compliance with this policy. The committee may engage in advisory activities such as: 1) communicating status updates, initiatives, and educational opportunities; 2) exchanging information about best practices; and 3) providing a repository for guidance documents, such as templates and ICT accessibility testing information. The committee should meet periodically as needed, and at least once a year to help evaluate future necessity and support assistance consistent with this policy.
- D. Compliance: In order to provide access in an equally effective and inclusive manner with substantially equivalent ease of use, accessible ICT must be provided in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. Due to this obligation, the university and each of its campuses strive to make services and resources accessible proactively. This means creating and maintaining accessible ICT and lessening or preventing the need for an individual with a disability to request accommodations. Nevertheless, the university and each of its campuses complies with this policy and state law for ICT that does not fully conform with the technical standards in the following cases:
1. An individual with a disability is not substantially hindered, with reasonable accommodations or modifications if needed, from accessing or engaging effectively in the same or substantially equivalent services programs and activities that the campus offers through its ICT to those without a disability, with substantially equivalent ease of use.
 2. The campus meets requirements of the digital accessibility statement described in section II.E, while also providing reasonable accommodations or modifications for ICT that does not fully conform with the technical standards if the campus can provide evidence of making good faith progress on a plan to remove accessibility barriers across its inventory of ICT. A plan could include, but is not limited to, the following:
 - a. Annual status updates demonstrating progress on advancing ICT accessibility.
 - b. Prioritization of ICT considering how the ICT will impact the campus and its users, including aspects such as legal requirements; user impact; usage metrics; and importance to the program, service, or activity.
 - c. The steps the campus is taking to remove ICT accessibility barriers.
 - d. Timelines when inaccessible ICT will be addressed and the plan for providing reasonable accommodation and modification in the interim.
 - e. Policies for regularly testing and remediating ICT.
 3. The campus procures and provides reasonable accommodations or modifications if needed for the ICT that best meets the technical standards and also the business needs, which could include, but are not limited to, considerations such as audience needs, capacity, reliability, interoperability, organizational needs, privacy, and security.

¹ See the state's [Plain Language Guide to the State Technology Accessibility Rules](#).

² The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements herein.

4. The campus creates a conforming alternate version. A campus may use a conforming alternate version only where it is not possible or practical to make the ICT directly accessible due to undue burden, safety, or legal limitations. Examples of conforming alternate versions could include, for instance, a website that provides identical information to a geographic information system in a non-graphical format, or a web application that uses accessible controls as an alternative to one with inaccessible controls.
5. Fully conforming ICT with the technical standards would constitute an undue burden or fundamental alteration, would pose a direct threat or is otherwise exempted under the Accessibility Standards. Undue burden, fundamental alteration, and direct threat are described below.

E. Digital Accessibility Statement: Each campus shall develop a digital accessibility statement which at least includes:

1. A commitment to a timely response to reports of inaccessible ICT or requests for reasonable accommodation or modification.
2. A prominent notice informing individuals with disabilities how to request reasonable accommodations or modifications or how to report inaccessible ICT. The notice shall provide more than one contact method, which could include an accessible form to submit feedback, an email address, or a toll-free phone number (with TTY), to contact personnel knowledgeable about the accessibility of the ICT.

F. Equivalent Facilitation: Nothing prevents the campuses' use of designs, methods, or techniques as alternatives to those prescribed, provided that the alternative designs, methods, or techniques result in substantially equivalent or greater accessibility and usability of the ICT.

For instance, WCAG success criterion 3.3.4 requires that user submissions are automatically checked to prevent common errors in legal or financial transactions made through websites. If a public entity failed to do this (thus violating WCAG) but required all users to separately verify important transactions in person and outside of its website prior to processing the transaction, it would meet this requirement through equivalent facilitation.

G. Undue Burden, Fundamental Alteration, or Direct Threat: Where a campus can demonstrate that an action, full conformance to the technical standards, or a reasonable accommodation or modification would result in a fundamental alteration in the nature of a service, program, or activity; undue burden; or a direct threat to the health or safety of others, conformance is required to the extent that it does not result in a fundamental alteration, undue burden, or direct threat.

1. In determining whether an action, conformance to the technical standards, or a reasonable accommodation or modification would impose an undue burden, the campus shall consider all resources available to the institution for which the ICT is being procured, developed, maintained, or used. Undue burden may be demonstrated when, depending on the type of financial, technical, or administrative barrier, at least one of the following applies:
 - a. The resources of the program, service, or activity are not readily available, or the use of such resources would fundamentally alter the nature of the program, service, or activity;
 - b. Contractual, legal, regulatory, or technical constraints prevent the modification of the program, service, or activity; or
 - c. The necessary auxiliary aids or services are not feasibly available.
2. In determining whether an action, conformance to the technical standards, or a reasonable accommodation or modification would pose a direct threat to the health or safety of others, the campus must make an individualized assessment, based on reasonable judgment that relies on the best available objective evidence, to ascertain:
 - a. the nature, duration, and severity of the risk;
 - b. the probability that the potential injury will actually occur; and
 - c. whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
3. In determining whether an action, conformance to the technical standards, or a reasonable accommodation or modification would result in a fundamental alteration, the campus should consider whether there would be a

change to the essential nature of the entity's programs or services as determined according to campus procedures. This determination must include coordination with the appropriate disability office(s).

4. If an action would result in a fundamental alteration, undue burden, or a direct threat, the campus shall take any other reasonable action, including providing reasonable accommodations or modifications that would not result in such an alteration, such burden, or such a direct threat but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

H. Reasonable Accommodations or Modifications: In general and in accordance with the ADA, if an individual with a disability, on the basis of disability, does not have equal access to a program, service, or activity through a campus's ICT, the campus shall make reasonable accommodations or modifications for alternative access when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making such modifications would fundamentally alter the nature of the service, program, or activity; present an undue burden; or pose a direct threat to the health or safety of others. These determinations must follow relevant campus procedures and include coordination with the appropriate disability office(s).

1. Each campus shall post a prominent notice describing the methods to request reasonable accommodations or modifications for ICT.
2. A campus may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that services are equally effective.
3. A campus cannot require an individual with a disability to pay to cover the cost of measures, such as providing auxiliary aids or barrier removal, that are required to provide that individual with nondiscriminatory treatment.

III. DEFINITIONS

- A. Accessible or accessibility: means perceivable, operable, and understandable digital content that reasonably enables an individual with a disability to access the same information, engage in the same interactions, and enjoy the same services offered to other individuals, with the same privacy, independence, and ease of use as exists for individuals without a disability.
- B. Active Use: means regularly used by members of the public to apply for, gain access to, or participate in a public entity's services, programs, or activities. Active use also means currently used by employees to perform their job duties. ICT in active use includes the authorized, official version or versions; it does not include previous versions that may still be available, archives, working products, or drafts.
- C. Conforming alternate version: has the same meaning as defined in the Web Content Accessibility Guidelines (WCAG), which is a version that:
 1. conforms at the designated level, and
 2. provides all of the same information and functionality in the same human language, and
 3. is as up to date as the non-conforming content, and
 4. for which at least one of the following is true:
 - a. the conforming version can be reached from the non-conforming page via an accessibility-supported mechanism, or
 - b. the non-conforming version can only be reached from the conforming version, or
 - c. the non-conforming version can only be reached from a conforming page that also provides a mechanism to reach the conforming version.
- D. Direct threat: means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.
- E. Fundamental alteration: means something that would change the essential nature of the entity's programs or services.

- F. Information and communication technology (ICT): means 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. 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. However, if the embedded information technology has an externally available web or computer interface, that interface is considered ICT. 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 are not considered information technology.
- G. Reasonable accommodation: as it pertains to ICT, means a modification or adjustment to a program, service, activity, job, application process, or the work environment that will enable an individual with a disability to participate in the program, service, activity, or application process, or perform essential job functions.
- H. Reasonable modification: as it pertains to ICT, means a modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.
- I. State of Colorado’s Governor’s Office of Information Technology: means the office of information technology created in Section 24-37.5-103, C.R.S.
- J. Undue burden: an action that requires significant financial, technical, or administrative difficulty or expense.

IV. RELATED POLICIES

- A. [APS 5065 - Protected Class Non-Discrimination.](#)
- B. [APS 6005 - IT Security Program.](#)

V. HISTORY

- Adopted: January 1, 2019.
- Revised: July 1, 2024.
- Last Reviewed: July 1, 2024.