



ADMINISTRATIVE POLICY STATEMENT

1 **Policy Title:** Digital Accessibility
2 **APS Number:** 6011 **APS Functional Area:** **INFORMATION TECHNOLOGIES**
3
4 **Brief Description:** CU is committed to communicating digital information and providing its digital services,
5 programs, and activities to all qualified individuals in an accessible manner, ~~that enables~~
6 ~~them to achieve their academic and professional goals and aspirations.~~
7 **Effective:** January 1, 2019 July 1, 2024 (Pending)
8 **Approved by:** President Bruce D. Benson Todd Saliman (Pending)
9 **Responsible University Officer:** Vice President of Administration Associate Vice President and Chief Information Officer
10 **Responsible Office:** Office of Information Security University Information Services
11 **Policy Contact:** Office of Information Security University Information Services
12 **Supersedes:** N/A January 1, 2019, Digital Accessibility
13 **Last Reviewed/Updated:** January 1, 2019 July 1, 2024 (Pending)
14 **Applies to:** Universitywide. The system administration is considered a campus for the purposes of this
15 policy and is required to adopt any campus requirements herein.
16

17 **Reason for Policy:** To improve ~~define roles and responsibilities to ensure that CU maintains~~ accessibility in the digital
18 environment for individuals with disabilities, ~~the university has established a digital accessibility program.~~ Governance
19 authority rests ultimately with the President and Chancellors; this policy provides necessary governance structures and outlines
20 campus requirements for digital accessibility ~~defines roles and responsibilities to assist the President and Chancellors.~~
21

22 **I. INTRODUCTION**

23
24 Federal and state law require that CU afford all qualified individuals with equal access to programs, services and activities,
25 and effectively communicate with individuals with disabilities. Additionally, pursuant to C.R.S. § 24-34-802, CU is
26 required to comply with the rules establishing technology accessibility standards, as adopted by the State of Colorado’s
27 Governor’s Office of Information Technology.

28
29 The Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973
30 require that higher education institutions afford all qualified individuals with equal access to programs, services and
31 activities, and effectively communicate with individuals with disabilities.

32
33 In addition to complying with the law, CU values communicating information to all individuals in a manner that enables
34 them to achieve their academic and professional goals and aspirations. When implementing this policy, the campuses and
35 system administration will be guided by following principles: ~~is ethically committed to communicating information to all~~
36 individuals in a manner that enables them to achieve their academic and professional goals and aspirations. ~~To maximize~~
37 CU’s potential to achieve its legal and ethical commitments in the digital environment, the university has established the
38 following policy to complement its digital accessibility program.

- 39
- 40 ▪ Unified commitment to inclusiveness through improving digital accessibility.
- 41 ▪ Increasing awareness and empathy to improve campus climate for individuals with disabilities.
- 42

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

II. POLICY STATEMENT

~~A. Each campus¹ Chancellor, or designee, shall be responsible for providing digital accessibility standards and establishing appropriate compliance and governance structures.~~

~~1. At minimum, each campus standard shall detail requirements for:~~

- ~~• Course syllabi, textbooks and other course materials.~~
- ~~• Compliance with Web Content Accessibility Guidelines 2.0 AA² for websites and applications.~~
- ~~• Closed captioning and audio description of audio-visual materials.~~
- ~~• Digital signage.~~
- ~~• Procuring goods and services.~~
- ~~• Process for providing access when known accessibility barriers exist.~~
- ~~• Campus governance to ensure transparency and risk management.~~

~~2. When implementing this policy the campuses and system administration will consider the following principles:~~

- ~~• Unified commitment to inclusiveness through improving digital accessibility.~~
- ~~• Increasing awareness and empathy to improve campus climate for students and staff with disabilities.~~
- ~~• Coherent policies and standards around the procurement, development, implementation and support of systemwide websites, services and applications to ensure their accessibility.~~
- ~~• Clear accountability for accessibility at system, campus, and departmental levels.~~

~~B. Annually, each Chief Information Officer will provide a digital accessibility status (changes to standards, barriers for compliance to standards, identified accessibility barriers for broadly used systems) to the CU IT Governance Committee.~~

~~C. The CU IT Governance Committee has established a CU Digital Accessibility working group. Annually, the working group will provide recommendations for changes to the goals, principles, or policies to the CU IT Governance Committee. Members of the working group are appointed from each campus by the CU IT Governance Committee and will include representatives who are responsible for accessibility for IT systems, support of students and employees with disabilities, and procurement of IT services. The committee will appoint a chair who will provide periodic updates. Additionally, the working group has the following goals:~~

- ~~1. Provide guidance and support of accessibility during procurement, development, implementation and support of systemwide websites, services and applications.~~
- ~~2. Coordinate the development and maintenance of systemwide accessibility education and training resources for all employees.~~
- ~~3. Establish and support accessibility testing processes and standards (expectations for internal testing as well as requirements for third party testing).~~
- ~~4. Promote CU’s accessibility efforts locally and nationally.~~

~~D. Faculty and staff who use, create, purchase, or maintain information or communication technology (ICT) for university programs, services, and activities in the scope of their employment are responsible for making it accessible in accordance with campus standards defined in section II.A. Faculty and staff should consult with the campus authority for more information regarding responsibilities and advice on best practices.~~

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 below, 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)

¹The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements herein.

²Note: WCAG 2.0 uses the three levels of conformance (A, AA, AAA), with AAA being the highest level.

96 accessibility, including the rules establishing accessibility standards, as promulgated by the State of Colorado’s
 97 Governor’s Office of Information Technology (“Accessibility Standards”)³, unless it would fundamentally alter the
 98 nature of a program, service, or activity or impose an undue burden, fundamental alteration, or direct threat (as
 99 described below). The Accessibility Standards require that ICT comply with the technical standards of Web Content
 100 Accessibility Guidelines (WCAG), WCAG 2.1, conformance levels A and AA, in addition to other potentially
 101 applicable technical standards.

102
 103 B. Digital Accessibility Governance Structure: Each campus⁴ chancellor, or designee(s), shall establish and maintain
 104 structures for: providing training for faculty and staff who use, create, purchase, or maintain ICT for university in the
 105 scope of their employment for CU; compliance governance; purchasing ICT; and processing reasonable
 106 accommodations and modifications regarding ICT. These structural requirements shall be addressed in the digital
 107 accessibility statement discussed below, or in other documentation, including but not limited to a campus policy and/or
 108 procedure.

109
 110 C. Digital Accessibility Committee: The University Officer responsible for this policy, or designee, will establish an ad
 111 hoc or standing committee of at least one representative from each campus digital accessibility governance structure, as
 112 referenced above in Section II.B., or their designee(s). The committee’s purpose is to serve as a centralized support
 113 resource to the campuses to facilitate implementation and on-going compliance with this policy. The committee may
 114 engage in advisory activities such as: communicating status updates, initiatives, and educational opportunities;
 115 exchanging information about best practices; and providing a repository for guidance documents, such as templates and
 116 ICT accessibility testing information. The committee should meet periodically as needed, and at least once a year to
 117 help evaluate future necessity and support assistance consistent with this policy.

118
 119 D. Compliance: In order to provide access in an equally effective and inclusive manner with substantially equivalent ease
 120 of use, accessible ICT must be provided in a timely manner, and in such a way as to protect the privacy and
 121 independence of the individual with a disability. Due to this obligation, the University and each of its campuses strive
 122 to make services and resources accessible proactively. This means creating and maintaining accessible ICT, lessening
 123 or preventing the need for an individual with a disability to request accommodations. Nevertheless, the University and
 124 each of its campuses complies with this policy and state law for ICT that does not fully conform with the technical
 125 standards in the following cases:

- 126
 127 1. An individual with a disability is not substantially hindered, with reasonable accommodations or modifications if
 128 needed, from accessing or engaging effectively in the same or substantially equivalent services programs and
 129 activities that the campus offers through its ICT to those without disability, with substantially equivalent ease of
 130 use.
 131
 132 2. The campus meets requirements of the digital accessibility statement described below, while also providing
 133 reasonable accommodations or modifications for ICT that does not fully conform with the technical standards, if
 134 the campus can provide evidence of making good faith progress on a plan to remove accessibility barriers across
 135 its inventory of ICT. A plan could include, but is not limited to, the following:
 136
 137 a. Annual status updates demonstrating progress on advancing technology accessibility.
 138 b. Prioritization of ICT considering how the ICT will impact the campus and its users, including aspects such as
 139 legal requirements; user impact; usage metrics; and importance to the program, service, or activity.
 140 c. The steps the campus is taking to remove accessibility barriers in their ICT.
 141 d. Timelines when inaccessible ICT will be addressed and the plan for providing reasonable accommodation and
 142 modification in the interim.
 143 e. Policies for regularly testing and remediating ICT.
 144
 145 3. The campus procures and provides reasonable accommodations or modifications if needed for the ICT that best
 146 meets the technical standards and also the business needs, which could include but are not limited to considerations
 147 such as audience needs, capacity, reliability, interoperability, organizational needs, privacy, and security.
 148

³ See the state’s Plain Language Guide to the State Technology Accessibility Rules.

⁴ The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements herein.

- 149 4. The campus creates a conforming alternate version. A campus may use a conforming alternate version only where
150 it is not possible or practical to make the ICT directly accessible due to undue burden, safety, or legal limitations.
151 Examples of conforming alternate versions could include, for instance, a website that provides identical
152 information to a geographic information system in a non-graphical format, or a web application that uses
153 accessible controls as an alternative to one with inaccessible controls.
154
155 5. Fully conforming ICT with the technical standards would constitute an undue burden or fundamental alteration,
156 would pose a direct threat or is otherwise exempted under the Accessibility Standards. Undue burden, fundamental
157 alteration, and direct threat are described below.
158

159 E. Digital Accessibility Statement: Each campus shall develop a digital accessibility statement which at least includes:
160

- 161 1. A commitment to a timely response to reports of inaccessible ICT or requests for reasonable accommodation or
162 modification.
163 2. A prominent notice informing individuals with disabilities how to request reasonable accommodations or
164 modifications or to report inaccessible ICT. The notice shall provide more than one contact method, which could
165 include an accessible form to submit feedback, an email address, or a toll-free phone number (with TTY), to
166 contact personnel knowledgeable about the accessibility of the ICT.
167

168 F. Equivalent Facilitation- Nothing prevents the campuses' use of designs, methods, or techniques as alternatives to those
169 prescribed, provided that the alternative designs, methods, or techniques result in substantially equivalent or greater
170 accessibility and usability of the ICT.
171

172 As an example, for instance, WCAG success criterion 3.3.4 requires that user submissions are automatically checked to
173 prevent common errors in legal or financial transactions made through websites. If a public entity failed to do this (thus
174 violating WCAG) but required all users to separately verify important transactions in person and outside of its website
175 prior to processing the transaction, it would meet this requirement through equivalent facilitation.
176

177 G. Undue Burden, Fundamental Alteration, or Direct Threat- Where a campus can demonstrate that an action, full
178 conformance with the technical standards, or a reasonable accommodation or modification would result in a
179 fundamental alteration in the nature of a service, program, or activity; undue burden; or a direct threat to the health or
180 safety of others, conformance is required to the extent that it does not result in a fundamental alteration, undue burden,
181 or direct threat.
182

183 1. In determining whether an action, conformance to the technical standards, or a reasonable accommodation or
184 modification would impose an undue burden, the campus shall consider all resources available to the institution for
185 which the ICT is being procured, developed, maintained, or used. Undue burden may be demonstrated when,
186 depending on the type of financial, technical, or administrative barrier, at least one of the following applies:
187

- 188 a) The resources of the program, service, or activity are not readily available, or the use of such resources would
189 fundamentally alter the nature of the program, service, or activity;
190 b) Contractual, legal, regulatory, or technical constraints prevent the modification of the program, service, or
191 activity; or
192 c) The necessary auxiliary aids or services are not feasibly available.
193

194 2. In determining whether an action, conformance to the technical standards, or a reasonable accommodation or
195 modification would pose a direct threat to the health or safety of others, the campus must make an individualized
196 assessment, based on reasonable judgment that relies on the best available objective evidence, to ascertain:
197

- 198 a) the nature, duration, and severity of the risk;
199 b) the probability that the potential injury will actually occur; and
200 c) whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or
201 services will mitigate the risk.
202

203 3. In determining whether an action, conformance to the technical standards, or a reasonable accommodation or
204 modification would result in a fundamental alteration, the campus should consider whether there would be a
205 change to the essential nature of the entity's programs or services as determined according to campus procedures.
206 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

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.

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.

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.

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.

Fundamental alteration: means something that would change the essential nature of the entity’s programs or services.

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.

258 However, if the embedded information technology has an externally available web or computer interface, that interface is
259 considered ICT. For example, Heating, Ventilation, and Air Conditioning (HVAC) equipment such as thermostats or
260 temperature control devices, and medical equipment where information technology is integral to its operation are not
261 considered information technology.

262 Reasonable accommodation: as it pertains to ICT, means a modification or adjustment to a program, service, activity, job,
263 application process, or the work environment that will enable an individual with a disability to participate in the program,
264 service, activity, or application process, or perform essential job functions.

265 Reasonable modification: as it pertains to ICT, means a modification in policies, practices, or procedures when the
266 modifications are necessary to avoid discrimination on the basis of disability.

267 State of Colorado’s Governor’s Office of Information Technology: means the office of information technology created in
268 section C.R.S. § 24-37.5-103.

269 Undue burden: an action that requires significant financial, technical, or administrative difficulty or expense.

270 IV. RELATED POLICIES

271 1) ~~APS 5065 – Protected Class Non-Discrimination and Harassment Policy~~

272 2) ~~APS 6005- IT Security Program~~

273
274 III.V. HISTORY

- 275
276 • Adopted: January 1, 2019.
277 • Revised: July 1, 2024 (Pending)
278 • Last Reviewed: ~~January 1, 2019~~ July 1, 2024.
279