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I. Background

The Accessible Technology Initiative was developed in 2013 to ensure that information technology resources and services are accessible to all students, faculty and staff at the University of Tennessee at Chattanooga. “Accessible” means that information, materials, and technologies are available to an individual with a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use.

The chancellor’s Executive Team approved the Accessible Technology Initiative (ATI) in February, 2014 (Appendix A). In July, Chancellor Angle appointed an ATI Oversight Committee charged with guiding the implementation of the initiative. Membership includes faculty from each college and relevant staff members. Faculty members with a heightened interest in accessibility were also recruited. The College of Business was not represented.

Accessible Technology Committee
Karen Adsit - Student Learning Outcomes, Assessment and Accreditation
Nancy Badger - Counseling Center
Kendra Biggs - Human Resources
Chuck Cantrell - University Relations
Jennifer Ellis – Faculty, College of Health, Education and Professional Studies
Dawn Ford - Walker Center for Teaching and Learning
Tom Hoover - Information Technology
Rik Hunter – Faculty, College of Arts and Sciences
Tim Johnson - Housing
Linda Johnston – Faculty, College of Health, Education and Professional Studies
Bryon Kluesner - Disability Resource Center
Theresa Liedtka - Library
Aldo McLean – Faculty, College of Engineering and Computer Science
Michelle Rigler - Disability Resource Center
Bryan Samuel - Office of Equity and Diversity
Jocelyn Sanders - Academic Affairs, Chairperson
Scott Seagle - Walker Center for Teaching and Learning
Jeffery Wetherill - Center for Academic Information Technology
Joe Wilferth – Faculty, College of Arts and Sciences
The committee began its work in August, 2014, and held regular meetings throughout the academic year: August 15, October 2, October 16, October 30, November 13, January 8, January 22, January 29, March 17, April 2, April 14, and April 30. Subcommittees were established to focus on specific start-up tasks, namely an audit of information technology on campus and publicity/marketing of the ATI to the campus community. The IT audit was ultimately accomplished utilizing a survey instrument provided through UTC’s new membership in the National Center on Disability and Access to Education. At the date of this report, final results and analysis are pending. The roll-out committee identified steps to publicize the ATI, including an Accessible Technology Fair, a new webpage, and development of a slogan and logo, or “mark.” The slogan, “Everyone Achieves,” merged the University slogan with movement from a *culture of individual accommodation* to an *environment of accessibility*.

II. *Activities, 2014-2015 (AY15)*

A. An important committee activity during implementation of the ATI has been participation in broader conversations, information sharing, training opportunities, and conferences. Members of the ATI Committee, as well as other staff and faculty members have participated in the following meetings and teleconferences:

- Accessible Technology Summit, Nashville, September 17-18, 2014
- Accessibility Task Force teleconference with Katie High, November 19, 2014
- Accessing Higher Ground – Accessible Technology Conference, November 17-21, 2014
- AT teleconferences with UT campuses, UT system staff, and Penn State University representative, January 20-21, 2015
- UT CIO meeting, accessible technology discussions, January 2015
- Association of Higher Education and Disability (AHEAD), technology institute and annual conference, Tampa, February 4-8, 2015
- National Federal for the Blind conference, Chattanooga, March 2015
- TNAHEAD conference, Clarksville, March 11-13, 2015
B. An Accessible Technology Fair was held for UTC faculty and staff on February 12, 2014 in the University Center. Printed invitations were distributed across campus and email reminders were sent to faculty and staff. Over 110 attendees received a mousepad/notepad with the ATI mark and a thumb drive containing the ATI policy, helpful links, and tips for creating accessible documents. The UTC Bookstore also provided water bottles imprinted with the ATI mark. Door prizes of a LiveScribe pen and gift cards to the bookstore were provided by Barnes and Noble, thanks to Kellie Wright. Thanks to April Cox for creating the ATI mark, and to Courtney Muller and Mary Donoso for the AT Fair materials.

Staff and faculty members provided demonstrations of video captioning, creating accessible documents and webpages, screen readers, UTC Learn, accessible software, and other resources. The bookstore offered information regarding adoption of accessible textbooks. Four faculty members offered poster presentations of research associated with accessibility. Chris Gilligan (University Relations) demonstrated accessibility on OU Campus and revised webpages upon request to make them accessible. Faculty research was presented by Joe Wilferth, Cecelia Wigal, Lisa Burke-Smalley, and Jennifer Ellis. (Documents associated with the fair are included in Appendix B.)

C. The Walker Center for Teaching and Learning was an active partner in ATI implementation in AY15. The staff developed tutorials for creating accessible documents and videos and made them available on the WCTL webpage. A syllabus template was developed in an accessible format (Appendix C). The WCTL staff has visited departments to demonstrate the template and accessible documents. These demonstrations at academic departments are planned throughout AY16 as well.

D. The Office of Human Resources has included presentations about accessibility in its “onboarding” process for new staff members. Members of the ATI Committee explain
staff and faculty obligations under the ATI policy and steps toward ensuring that accessibility is considered in purchasing decisions, textbook adoptions, document and webpage creation and revision.

E. Charles Scott, of the Purchasing Office, developed a procurement process that includes consideration and verification of accessibility for all large purchases (Appendix D). The committee is searching for a means to require that smaller purchases (under $5,000) are also accessible.

F. Information Technology has added accessibility to OU Campus web development training.

G. An implementation plan/timeline has been developed for the first two years of the ATI (Appendix E).

H. Dr. Joe Wilferth, College of Arts and Sciences and a member of the committee, coordinated the effort to develop a public service announcement video (PSA) for use at the AT Fair and in other publicity for the initiative. It is included on the main page of the ATI webpage and is available on YouTube:

https://www.youtube.com/watch?v=ZfcC_e3yrUM.

I. A webpage has been created for the ATI, with technical assistance from Chris Gilligan, University Relations. At the time of this report, the webpage was under development. The planned launch is scheduled for May 1.

III. Implementation Plan

In the ATI Implementation Plan, or timeline, the committee identified six (6) primary goals and numerous action items or objectives to accomplish those goals.

Goals:
• To communicate the Accessible Technology Initiative to the campus community and increase awareness of relevant standards, resources, and obligations
• To develop and implement relevant policies and procedures
• To identify and implement initial steps to improve accessibility at UTC
• To ensure accessibility of all instructional materials – print and electronic – and technologies
• To develop and implement professional development opportunities for faculty and staff
• To monitor and assess the accessibility of Instructional Materials and Technologies, or IMTs (formerly called electronic and information technologies) at UTC

Recommendations from the Higher Education Accessibility Task Force and the UT Accessibility Study Group are incorporated into the plan (Appendix F). The committee also studied materials and webpages from other institutions and associations, and settlement agreements between higher education institutions and the Department of Education/Department of Justice (OCR). The “Dear Colleague Letter” related to accessible technology (2010) and subsequent FAQs issued by the Department of Justice Civil Rights Division and the Department of Education Office for Civil Rights also offered guiding principles for the creation of these goals, objectives and timeline (Appendix G).

IV. Benchmarks and Assessment

The ATI Committee is responsible for monitoring and assessment of the initiative. During this initial year of implementation, the committee determined that reasonable benchmarks would follow the recommendations of the Higher Education Accessibility Task Force and the UT Accessibility Study Group. Additional benchmarks were derived
from aforementioned settlement agreements and procedures followed by other institutions, such as Penn State University and California State University.

- All new IMTs, textbooks, software, and hardware are accessible - a Voluntary Product Accessibility Template (VPAT) is requested for each new adoption, where applicable (Appendix H)
- All IMTs – textbooks, webpages, syllabi/documents, videos, etc. – are accessible
- All webpages are accessible
- The ATI has a permanent budget
- A new full-time position – Accessibility Coordinator – is created and filled
- New faculty and staff receive training regarding accessibility standards and procedures

Baseline data is still being collected at the date of this report, but indications from the system level and other anecdotal information suggests that UTC has made significant progress in improving accessibility. However, baseline data will not be finalized until AY16.

As recommended by the UT Accessibility Study Group, the committee agreed to take steps to ensure that new IMTs are accessible, rather than to complete an audit of all textbooks, webpages, videos, and other instructional materials, software, etc. Data will be collected during AY16 that includes VPAT submission, use of the accessible syllabus template, number of major purchases conforming to accessibility standards, revision/creation of accessible webpages, participation in professional development opportunities related to accessibility, and progress on action items in the Implementation Plan.
V. Budget

The ATI was launched with no budget, so expenditures were funded ad hoc by the provost, and the associate provost for academic affairs. The UTC Bookstore (Barnes and Noble) donated door prizes and some give-aways for the AT Fair.

FY2015 UTC Expenditures (as of 4-23-15)

<table>
<thead>
<tr>
<th>Expenditure Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT Fair give-aways</td>
<td>$2,471.59</td>
</tr>
<tr>
<td>AT Fair invites, posters, etc.</td>
<td>302.09</td>
</tr>
<tr>
<td>AT Fair food</td>
<td>237.69</td>
</tr>
<tr>
<td>Travel (AHEAD)</td>
<td>2,729.43</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,740.80</strong></td>
</tr>
</tbody>
</table>

The provost has agreed that the ATI is a high priority for Academic Affairs, and has committed support up to $10,000 to support an AT Fair and additional travel or professional development opportunities in FY2016.

VI. Academic Year 2015-2016

Several objectives included in the implementation plan have target completion dates in AY16. These include, but are not limited to, requiring new IMTs to be accessible, eliminating out of date technology, increasing professional development opportunities, developing a procurement procedure that ensures acquisition of accessible IMTs below $5,000, and establishing metrics to assess ATI progress. The committee also plans to host another accessible technology fair, to make improvements to the ATI webpage, to increase financial support for the initiative, to seek additional partners, and to create additional videos utilizing faculty (textbook adoption, video captioning, etc.). Communication of standards, procedures, and resources will continue to be the focus of committee activities.

The primary goal of the ATI remains transforming the campus culture from individual accommodation to an environment of accessibility. With the support of Chancellor
Angle and the Executive Team, and in collaboration with partners in the Walker Center for Teaching and Learning, the Disability Resource Center, Purchasing, University Relations, Human Resources, the UTC Bookstore, and officials at the system level, the Accessible Technology Initiative Committee and UTC have made tremendous improvements in the accessibility of instructional materials and technologies. However, in order to achieve the next level of accessibility, the principles of the ATI must become integral elements of purchasing decisions, faculty and staff evaluations, program development, and all routine processes across campus. This must involve active engagement from campus leadership at all levels. The challenge in the coming year will be to maintain the momentum and to build upon the accomplishments of this first year of the initiative.
The University of Tennessee Chattanooga
Accessible Technology Initiative

Purpose
The Accessible Technology Initiative was implemented to guide the campus in ensuring that information **technology resources and services are accessible to all students, faculty and staff at the University of Tennessee at Chattanooga.**

Policy
All UTC programs, services, and activities should be accessible to all students, staff, faculty, and the general public. This encompasses all technology products used to deliver academic programs and services, student services, information technology services, and auxiliary programs and services.

UTC’s Accessible Technology Initiative (ATI) implementation approach is driven by the following principles:

- Technology accessibility is an institution-wide responsibility that requires commitment and involvement from leadership across the enterprise.
- Technology access for individuals with disabilities must provide comparable functionality, affordability, and timeliness and should be delivered in as seamless a manner as possible.
- The implementation of Universal Design principles should reduce the need for, and costs associated with, individual accommodations for inaccessible technology products.

Procedure
- Require VPAT prior to purchase of instructional software prior to adoption
- Follow same procedure for other purchases
- Create an oversight committee – membership to include Associate Provost for Academic Affairs, and representatives from Disability Resource Center (2), Purchasing, Distance Education, IT, and 2 faculty members
- Consultation with the Office of General Counsel and ADA Coordinator, as appropriate
Goals and Success Indicators

Technology Accessibility Goals

- **Web Accessibility Evaluation Process:** Identify and repair or replace inaccessible websites, web applications, and digital content.
- **New Website/Web Application and Digital Content Design and Development Process:** New website/web application and digital content development meets campus accessibility standards.
- **Ongoing Monitoring Process:** Updating and maintenance of websites/web applications and digital content meet campus accessibility standards.
- **Exemptions and Alternatives Process:** Effective alternative formats are adopted for websites and content not meeting campus accessibility standards.
- **Training Process:** Professional development websites, web applications, and digital content meet campus accessibility standards.
- **Communication Process:** The campus community is aware of campus standards and guidelines to make web based information available to everyone (students, staff, faculty & the general public) regardless of disability.
- **Administrative Process:** Campus governance entities are aware of and kept informed about web accessibility.

Procurement Accessibility Goals

- **Procurement Procedures:** An ATI Electronic and Information Technology (E&IT) Procurement Plan, documents, forms, and other materials to support procurements at the campus are created and published.
- **Staffing or Role Definition:** ATI procurement team is fully staffed with clearly defined roles for processing E&IT procurements.
- **Equally Effective Access Plans:** Equally Effective Access Plans are created for E&IT products that are not fully compliant with accessibility standards.
- **Training:** All parties involved in E&IT procurement have been trained, and a continual training program is in place.
- **Outreach (Communications):** All individuals on campus involved in the purchasing of goods are knowledgeable about accessibility standards in the context of E&IT procurement.
- **Evaluation & Monitoring:** Campus has established a continual evaluation process with standard forms and procedures. Feedback from the process along with direction is provided to training, outreach, and other groups involved in E&IT procurements.
- **Experience/Implementation:** Campuses have sufficient experience and expertise in completing E&IT procurements.

Instructional Materials and Equipment Accessibility Goals
The University of Tennessee Chattanooga
Accessible Technology Initiative

- **Timely Adoption:** The campus has implemented a comprehensive plan to ensure the timely adoption of textbooks and other instructional materials.
- **Identification of Instructional Materials for Late-Hire Faculty:** The campus has implemented a comprehensive plan to ensure that textbooks have been identified for courses with late-hire faculty.
- **Early Identification of Students with Disabilities:** The campus has implemented a comprehensive plan to ensure that students with disabilities can self-disclose and be able to request alternate media materials in a timely manner.
- **Faculty Use of Learning Management Systems (or non-Learning Management System) Course Websites:** The campus has implemented policies and procedures to promote the posting of all required curricular and instructional resources (including learning management systems, print-based and multimedia materials) in a central, accessible electronic location.
- **Accessibility Requirements for Multimedia:** The campus has implemented policies and procedures to ensure that accessibility requirements have been incorporated into the adoption process for all multimedia-based instructional resources.
- **Accessibility Requirements for Curricular Review and Approval:** The campus has implemented policies and procedures to ensure that accessibility requirements have been incorporated into the curricular review process.
- **Supporting Faculty Creation of Accessible Instructional Materials:** The campus has implemented policies and procedures to support faculty in selecting, authoring, and delivering accessible instructional materials.
- **Communication Process and Training Plan:** The campus has implemented a broad-based ATI awareness campaign, supported by a comprehensive training infrastructure to increase technological accessibility across the campus.
- **Process Indicators:** Accessible Technology Initiative (ATI) Committee has sufficient breadth, resources, and authority to effectively implement a comprehensive ATI initiative.
Review

- Responsible Administrator – Provost
- This operating procedure will be reviewed every three years by the Chair of the Policy Review Committee, with recommendations for revision presented to the Chancellor by – June 1. *For information about this policy, contact the Disability Resource Center.*

Authorization

Responsible Administrator: ____________________________ Date

Provost

Policy Review Committee: ____________________________ Date

Chairperson

Office of General Counsel: ____________________________ Date

Assistant General Counsel

Chancellor: ____________________________ Date

Chancellor

OP ________
Effective: ________
Reviewed: ________
Revised: ________
You Are Invited to the
Accessible Technology Fair

Thursday, February 12, 2015
2:00-4:00 p.m.
Chattanooga Rooms
University Center

Door prizes! Free gifts!
Bring this card to enter the drawing and receive your free gifts.
Appendix C
The University of Tennessee at Chattanooga

Course Name

Summer 2015

Click here to enter Department, course number, CRN, credit hours

Instructor: Click here to enter text.

Phone and Email: Click here to enter text.

Office Hours and Location: Click here to enter text.

Course Meeting Days, Time, and Location: Click here to enter text.

Course Catalog Description: Click here to enter text.

Course Student Learning Outcomes: Click here to enter text.

Course Pre/Co Requisites: Click here to enter text.

General Education Statement: If applicable, enter statement about general education credit and general education outcomes; if not, delete.

Course Materials/Resources: Click here to enter text.

Course Fees: If applicable, enter fee amount; if not, delete.

Course Assessments and Requirements: Click here to enter text. If you have a list of items, please insert a bulleted list outside of this box.

Grading Scale: Click here to enter text.

Attendance Policy: Click here to enter text.

Policy for Late/Missing Work: Click here to enter text.

Course Calendar/Schedule: Enter key dates for major tests and exams (including the date and location of final), and major assignments. If you have a list of items, please insert a bulleted list outside of this box.

Accommodation Statement: If you are a student with a disability (e.g. physical, learning, psychiatric, vision, hearing, etc.) and think that you might need special assistance or special accommodations in this class or any other class, call the Disability Resource Center (DRC) at 425-4006 or come by the office, 102 Frist Hall.

Counseling Statement: If you find that you are struggling with stress, feeling depressed or anxious, having difficulty choosing a major or career, or have time management difficulties
which are adversely impacting your successful progress at UTC, please contact the Counseling and Personal Development Center at 425-4438 or go to utc.edu/counseling for more information.
PURCHASING
ACCESSIBLE TECHNOLOGY PROCESS

General:

- All software purchases must be reviewed for accessibility by an ATI Review Team.
- When approved, the software will be added to an official approved software list for use with future purchases.

Purchase of Software:

- Upon receipt of a new software purchase request (non-bid or sole source), Business Services will verify against approval listing prior to processing the purchase request.
- If not on the approved list, the request will be forwarded to the ATI Review Team for review and approval prior to processing the request.

Purchase of Software requiring a bid process:

- Forward specifications and proposed vendor list to ITD for review and approval.
- Upon ITD approval of specifications, initiate the bid process.
- ITD should review all technical responses from the bid process for compatibility and accessibility, and approve the final selection for purchase.

Note: This applies to the current purchasing practices and will likely need modification when the new e-procurement system is fully operational.
<table>
<thead>
<tr>
<th>Target Date</th>
<th>Goal</th>
<th>Objective/Action Item</th>
<th>Responsible party</th>
<th>Comments</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring 2016</td>
<td>Ensure accessibility of all instructional materials - print and electronic - and technologies (Accessible IMTs)</td>
<td>Train and prompt faculty to determine and ensure accessibility of IMTs, especially textbooks and print materials (not just required materials)</td>
<td>ATC, DH, Deans</td>
<td>Send blanket message to all faculty each term at beginning of textbook ordering period, reminder of ATI and their obligations, resources, and alternatives</td>
<td>Message sent March 3, 2015 for fall book orders ro UTCINFO and Raven; ongoing</td>
</tr>
<tr>
<td>July 1, 2015</td>
<td>Accessible IMTs</td>
<td>Prioritize webpages for accessibility evaluation and revision</td>
<td>department heads, unit supervisors</td>
<td>Awaiting system guidance</td>
<td>On hold</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Accessible IMTs</td>
<td>Check book orders and other IMTs by department for accessibility; include in EDO</td>
<td>Department heads</td>
<td>Need to identify an appropriate approach</td>
<td>Not started</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Accessible IMTs</td>
<td>Timely adoption plan implemented (CCTA)</td>
<td>Department Heads</td>
<td>seek earlier adoption to facilitate &quot;work-arounds&quot;; get DH buy-in; Bookstore has issued prompts to deans and department heads with numbers for missing orders</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Accessible IMTs</td>
<td>Textbooks are identified for late hired faculty (CCTA)</td>
<td>Department Heads</td>
<td>Is this feasible?</td>
<td>Under discussion</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Accessible IMTs</td>
<td>Students able to self-disclose and request alternate media in timely manner</td>
<td>DRC</td>
<td>Post something on DRC webpage</td>
<td>Completed</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Accessible IMTs</td>
<td>Policies in place to ensure that accessibility review is included in curricular review process</td>
<td>UG Curriculum Committee, Graduate Council, college curriculum committees</td>
<td>Talk to committee chairpersons; has been discussed regarding sharepoint</td>
<td>In progress</td>
</tr>
</tbody>
</table>
## Accessible Technology Initiative - Implementation Plan and Timeline
### Spring 2014 - Fall 2016

<table>
<thead>
<tr>
<th>Fall 2015</th>
<th>Accessible IMTs</th>
<th>Policies and procedures in place to support faculty in selecting, authoring, and delivering accessible instructional materials</th>
<th>DRC, WCTL, CAIT</th>
<th>Bookstore, Library, and WCTL have materials and assistance already available</th>
<th>In progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 31, 2015</td>
<td>Accessible IMTs</td>
<td>Identify and repair or replace inaccessible websites, web applications, and digital content; develop guidelines for units to review sites - priorities</td>
<td>ATI Committee, IT, Provost</td>
<td>Awaiting guidance from UT system</td>
<td>On hold</td>
</tr>
<tr>
<td>December 31, 2015</td>
<td>Accessible IMTs</td>
<td>Conduct accessibility audit</td>
<td>Tom Hoover</td>
<td>Utilizing NCDAE instrument; will also focus on CRMJ department as pilot</td>
<td>In progress</td>
</tr>
<tr>
<td>Fall 2016</td>
<td>Accessible IMTs</td>
<td>Policies in place to ensure that new multimedia instructional materials are accessible</td>
<td>CAIT, Library, ATI Committee</td>
<td>Identify target units, departments</td>
<td>Not started</td>
</tr>
<tr>
<td>Fall 2016</td>
<td>Accessible IMTs</td>
<td>New instructional materials, content, and technology required to be accessible</td>
<td>Deans, department heads</td>
<td>Content delivery units - departments, library, etc. ultimately responsible for compliance; spring 2015 - encouraging faculty to comply; gradual movement to policy/mandate</td>
<td>In progress</td>
</tr>
<tr>
<td>Fall 2016</td>
<td>Accessible IMTs</td>
<td>Require new website/web application and digital content development to meet campus accessibility standards; Update and maintain websites/web applications and digital content to meet accessibility standards</td>
<td>IT/Hoover, WCTL, Deans, Department Heads</td>
<td>Each unit must identify who will actually do this; gradual movement to policy/mandate</td>
<td>In progress</td>
</tr>
<tr>
<td>Timeframe</td>
<td>Initiative Type</td>
<td>Action</td>
<td>Responsible Parties</td>
<td>Details</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>--------</td>
<td>---------------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>Fall 2016</td>
<td>Accessible IMTs</td>
<td>Adopt effective alternative formats for websites and content not meeting accessibility standards</td>
<td>IT/Hoover, WCTL, Deans, Department Heads</td>
<td>Need to communicate process and resources to campus</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Fall 2016</td>
<td>Accessible IMTs</td>
<td>Monitor web accessibility</td>
<td>IT, ATI Committee</td>
<td>Must develop mechanism/approach to accomplish this, assign responsibility; awaiting guidance from UT system</td>
<td>On hold</td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Accessible IMTs</td>
<td>Policy in place for posting syllabus in LMS in accessible format</td>
<td>Provost, department heads</td>
<td>not yet a policy; Announcement from provost to campus</td>
<td>In progress</td>
</tr>
<tr>
<td>Fall 2014</td>
<td>Communication</td>
<td>Communicate ATI to the campus community and increase awareness of relevant standards, resources, and obligations (Communication)</td>
<td>Announce ATI</td>
<td>Chancellor</td>
<td>Announcement made via email to campus</td>
</tr>
<tr>
<td>Fall 2014</td>
<td>Communication</td>
<td>Develop brand – logo, slogan</td>
<td>Chuck Cantrell, April Cox, University Relations</td>
<td>Slogan: “Everyone Achieves”; mark selected in December 2014; approved by chancellor January 2015</td>
<td>Completed</td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Communication</td>
<td>Develop webpage</td>
<td>ATI committee</td>
<td>Initial planning with Chris Gilligan; provide content for Chris to build structure</td>
<td>Partially complete; target launch date May 1</td>
</tr>
<tr>
<td>Date</td>
<td>Category</td>
<td>Description</td>
<td>Responsible Parties</td>
<td>Status</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td></td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Communication</td>
<td>Communicate ATI standards to campus; ATI Committee (ATC), Provost, Chancellor</td>
<td>Chancellor and provost have issued messages; tech fair completed; HR onboarding session underway; added to Instructional Excellence Retreat; add to new faculty orientation, visit department meetings in fall</td>
<td>In progress</td>
<td></td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Communication</td>
<td>ATI Technology Fair; recruit presenters; arrange logistics; publicize to faculty and staff</td>
<td>ATI sub-committee</td>
<td>February 22, 2015; UC Chattanooga Rooms, 2:00-4:00 p.m.; repeat in AY16</td>
<td>Completed; ongoing</td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Communication</td>
<td>Develop PSAs; explore other video possibilities, such as tutorials</td>
<td>Chuck Cantrell, ATI subcommittee, Joe Wilferth</td>
<td>Joe Wilferth developed two versions; working on additional videos</td>
<td>Completed; ongoing</td>
</tr>
<tr>
<td>June 2015</td>
<td>Policies and Procedures</td>
<td>Incorporate accessibility requirement into purchasing procedure; add to appropriate webpages; determine role of ATI committee; what will the review process look like? Communicate to campus; develop procedure to catch smaller purchases</td>
<td>Charles Scott, Purchasing</td>
<td>Procedure added Fall 2014; does not catch small purchases; need to communicate to campus; add to appropriate webpages; devise means for ensuring that small purchases are compliant</td>
<td>In progress</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Policies and Procedures</td>
<td>Develop Electronic and Information Technology (EIT) procurement procedure; Communicate to campus new purchasing procedure</td>
<td>ATI Committee, IT, Purchasing</td>
<td>Procedure developed for purchases that require approval ($5,000); new procurement system under development; new procedure not yet communicated</td>
<td>In progress</td>
</tr>
<tr>
<td>Fall 2016</td>
<td>Policies and Procedures</td>
<td>Equally Effective Access Plans developed for non-compliant products</td>
<td>Purchaser (faculty or staff responsibility)</td>
<td>Assistance available from ATI Committee, IT, DRC</td>
<td>Ongoing; case-by-case</td>
</tr>
<tr>
<td>Fall 2016</td>
<td>Policies and Procedures</td>
<td>Training in place for EIT procurement; all staff trained</td>
<td>Webb, Hoover, Adsit, deans, DH</td>
<td>Training added to HR new staff orientation; needed for IT staff and NFO</td>
<td>In progress</td>
</tr>
</tbody>
</table>
### Accessible Technology Initiative - Implementation Plan and Timeline

**Spring 2014 - Fall 2016**

<table>
<thead>
<tr>
<th>Period</th>
<th>Category</th>
<th>Activity Description</th>
<th>Responsible Parties</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring 2014</td>
<td>Policies and Procedures</td>
<td>Identify and implement initial steps to improve accessibility at UTC (Initial Steps)</td>
<td>Jocelyn Sanders, ATI Committee</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Accessible Technology Initiative developed and approved (CCTA)</td>
<td>Jocelyn Sanders, ATI Committee</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approved February 2014 by Executive Team; posted on Policies and Procedures webpage and Academic Affairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fall 2014</td>
<td>Initial Steps</td>
<td>Join National Center for Disability and Access to Education</td>
<td>Tom Hoover</td>
<td>Completed</td>
</tr>
<tr>
<td>1-Apr-15</td>
<td>Initial Steps</td>
<td>Develop timeline for ATI</td>
<td>ATI Committee</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Need to develop monitoring process as soon as possible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fall 2014</td>
<td>Initial Steps</td>
<td>Send team to AT Summit</td>
<td>ATI, DRC, Housing, Student Development, IT, UTC Learn, WCTL</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11 attended; September 17-18, 2014; add to AY16 budget</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Initial Steps</td>
<td>Acquire funding for the ATI for FY16</td>
<td>Provost, ATI chairperson</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10,000 approved by Provost Ainsworth; included in &quot;student success&quot; dollars for FY16, or other resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Initial Steps</td>
<td>Send team to AHEAD Institute/conference, or other institution(s)</td>
<td>ATI Committee</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sanders and Rigler attended AHEAD institute for EITs, February 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Summer 2014</td>
<td>Initial Steps</td>
<td>Empanel an ATI oversight committee</td>
<td>Chancellor Angle</td>
<td>Representative of all campus divisions, colleges, and relevant units</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------------</td>
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<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>May 2015</td>
<td>Monitor and assess the accessibility of instructional materials and technologies, or IMTs (formerly called electronic and information technologies) at UTC (Monitoring and Assessment)</td>
<td>ATI Committee will provide annual reports to the Executive Team</td>
<td>ATI Committee</td>
<td>First annual report to be submitted May 2015</td>
</tr>
<tr>
<td>July 2016</td>
<td>Monitoring and Assessment</td>
<td>Create new position - Accessibility Coordinator/Accessibility Analyst</td>
<td>Provost</td>
<td>Allocate permanent funding for the position, administrative support, and an operating budget; research funding at similar institutions; fund in FY17</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Monitoring and Assessment</td>
<td>Units across campus routinely/periodically monitor accessibility</td>
<td>Administrator of each unit</td>
<td>Identify an appropriate approach; involve representative shared-governance groups</td>
</tr>
<tr>
<td>Fall 2015</td>
<td>Develop and implement professional development opportunities for faculty and staff (Professional development)</td>
<td>Provide tips for faculty to create accessible documents; provide links to tips in accommodation letters to faculty (DRC)</td>
<td>WCTL, ATI Committee, DRC</td>
<td>Faculty tips developed by Bryon Kluesner and Dawn Ford; posted on WCTL webpage; on ATI webpage</td>
</tr>
<tr>
<td>Fall 2014</td>
<td>Professional development</td>
<td>Add accessibility component to OU training</td>
<td>Tom Hoover, IT</td>
<td>Added fall 2014</td>
</tr>
<tr>
<td>Date</td>
<td>Category</td>
<td>Task Description</td>
<td>Responsible Parties</td>
<td>Status</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Fall 2015</td>
<td>Professional development</td>
<td>Syllabus workshop/road show</td>
<td>WCTL</td>
<td>To be scheduled in each department for Fall 2015</td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Professional development</td>
<td>Include accessibility standards and processes in new staff orientation (&quot;onboarding&quot;)</td>
<td>Human Resources, Laure Pou</td>
<td>Sanders meeting with Pou 2/13/15; first session held 2/3/15 (Rigler); future sessions to be scheduled; rotation of presenters from ATC to be developed</td>
</tr>
<tr>
<td>Spring 2015</td>
<td>Professional development</td>
<td>Develop professional development opportunities for faculty in accessibility issues</td>
<td>WCTL, ATI Committee</td>
<td>Develop and identify webinars, seminars, classes, etc.</td>
</tr>
<tr>
<td>Summer 2015</td>
<td>Professional development</td>
<td>Introduce syllabus template - webpage, tech fair; new faculty orientation</td>
<td>Tom Hoover, WCTL</td>
<td>Available on WCTL webpage; tech fair introduction</td>
</tr>
<tr>
<td>Summer 2015</td>
<td>Professional development</td>
<td>Include ATI in new faculty and adjunct orientation, department head training</td>
<td>WCTL</td>
<td>Included in faculty orientation; need to add to department head training</td>
</tr>
<tr>
<td>4/23/2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Recommendations of the Higher Education Accessibility Task Force

1) TBR and UT should develop and implement policies concerning the deployment of accessible information materials and technologies (IMTs) and digital curricula in the college and university setting. “Accessible” means that individuals with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same services within the same timeframe as individuals without disabilities, with substantially equivalent ease of use.

2) TBR and UT should develop and implement procedures that require colleges and universities to purchase or recommend only accessible information materials and technologies (IMTs), if an accessible IMT is commercially available and its purchase would not result in undue financial and administrative burdens or a fundamental alteration. TBR and UT should effectuate these obligations by implementing as a part of its RFP process:

   a. language that bidders meet the accessibility standards set forth in Web Content Accessibility Guidelines 2.0 Level A & AA standard (“WCAG 2.0 A & AA”) for web-based technology (or subsequently developed guidelines) or EPUB3, Section 508 of the Rehabilitation Act and the Americans with Disabilities Act;

   b. requiring, at the college or university’s discretion, as part of any contract with its vendors, provisions by which:

      i. the vendor warrants that any IMT provided complies with WCAG 2.0 A & AA for web-based technology (or subsequently developed guidelines) or EPUB3, Section 508 of the Rehabilitation Act and the Americans with Disabilities Act; and

      ii. the vendor is required to provide accessibility testing results and written documentation verifying accessibility, to promptly respond to and resolve accessibility complaints, and to indemnify and hold the University harmless in the event of claims arising from inaccessibility.

3) UT and TBR should examine the feasibility of issuing joint RFP(s) for state-wide vendor(s) to provide accessible IMTs and services for students with disabilities.

4) By December 31, 2015, TBR and UT both should complete an accessibility audit of a representative sample of its IMTs that will examine the accessibility of the IMTs provided by colleges and universities to students and prospective students who have disabilities. The audit should examine various types of the IMTs, including college/university websites, library services, course management systems and course registration software. By March 31, 2016, TBR and UT both should develop an IMT corrective action plan based on the audit findings. Strategies should include priorities for making IMT accessible, a schedule for making IMT accessible, and a plan to periodically monitor the accessibility of IMTs. Strategies should be reviewed by THEC and approved by the respective system’s board.
Recommendations of the Higher Education Accessibility Task Force

5) By December 31, 2015, UT and TBR both should complete an accessibility audit of a representative sample of its textbooks that will examine their accessibility by students with disabilities.

6) TBR and UT should provide and make readily available to faculty and staff, who develop or post content on a website or though other IMTs, training and information on how to make digital information accessible and how to use automated tools to check and ensure the accessibility of content.

7) No later than December 31, 2015, all pages hosted on college/university websites that have been published or updated on or after June 1, 2014 should be accessible according to WCAG 2.0 A & AA. Any other pages should promptly be made accessible upon request or the information made available in a timely manner and in an accessible format to the individual who made the request. This requirement should not apply to personal pages; however, TBR and UT should provide resources to authors of pages to give guidance on making such pages accessible.

8) TBR and UT should designate at least one staff member at each campus who will have responsibility and commensurate authority for oversight of accessibility issues. This person should also serve as the contact to answer questions and assist with informal dispute resolution relating to accessibility issues.

9) “Instructional Materials” are items that are created, purchased or identified to serve in instruction and communication of information in the curricular settings at public higher education institutions in Tennessee. These items may include, but are not limited to, textbooks in bound, unbound, kit or package form, library media (print, non-print, and electronic resources), instructional software content, web/online content and learning objects, E-books, CD-ROM, DVDs, videos, slides, films and filmstrips, learning laboratories, recordings, manipulatives, consumables and ITV content.
THE UNIVERSITY OF TENNESSEE
ACCESSIBILITY STUDY GROUP

REPORT AND RECOMMENDATIONS

JANUARY 2015
Introduction

Formation of the Accessibility Task Force

In the spring of 2014, the Tennessee Chapter of the National Federation of the Blind contacted Tennessee Senator Becky Duncan Massey regarding sponsorship of the “Teach Tennessee Act,” which would require public higher education institutions to make all electronic instructional materials, including course-assigned books, journals, articles, and webpages, accessible to persons with disabilities.

Working with the UT and TBR offices of Government Relations, we were able to get the legislation withdrawn and replaced with Public Chapter 712, which directed the Tennessee Higher Education Commission to convene an Accessibility Task Force to develop minimum criteria for accessibility. The Task Force was composed of four representatives of Tennessee higher education institutions and four individuals who represented a disability advocacy group.

The Accessibility Task Force was given the charge to develop a set of recommendations to be forwarded to the Tennessee General Assembly by December 31, 2014. The task force met three times in the summer and early fall of 2014.

Accessible Instructional Materials and Technology Summit

In September of 2014, the TBR hosted a two-day Accessible Instructional Materials and Technology Summit and invited UT faculty and staff to attend. The Summit, which was attended by more than 200 individuals throughout the state, featured several nationally prominent experts in the field, including:

- Eve Hill, Deputy Assistant Attorney General for the Civil Rights Division, US Department of Justice
- Dan Goldstein, Counsel for the National Federation of the Blind
- Scott Lissner, President, Association on Higher Education and Disability and Ohio State University ADA Coordinator
- Tim Creagon, Senior Accessibility Specialist with the United States Access Board
- Ron Stewart, Managing Consultant and Technology Advisor to the Association on Higher Education and Disability
- Jamie Principato, who is blind and a second year physics major at Arapahoe Community College in Denver
- Joe Shaw, a former MTSU student who now works with the Tennessee Chapter of the National Federation for the Blind.

Summary of Remarks by Dan Goldstein

In his remarks, Dan Goldstein stressed that “without equal access to information, there simply is not anything meaningful in the way of equal opportunity” and, for a disabled person, “if there’s no right to live in the virtual world, then being disabled means there’s no right to live in the world today.” Advances in technology have actually made it more difficult for individuals with disabilities, especially blind individuals. Dials, knobs, and telephone buttons have been replaced with touch screens, making it exponentially more difficult for a blind person to adjust the thermostat, use the stove, or dial a phone. In our colleges and universities, too many websites, too many books, too many journals are not digitized and cannot be read by students with sight limitations.
Colleges and universities have not placed enough pressure on publishers to ensure textbooks are accessible to blind students. Further, colleges and universities have invested millions of dollars into learning management software (e.g., Google Drive, Google Calendar, My Sat Lab, Web Assign, Learn Smart – even PDFs) that is not accessible to blind students. A study conducted by WebAIM, a company that provides accessibility training and technical assistance, found that 95% of all college home pages had significant barriers for individuals who were blind. The same is true too often of college applications, student accounts, course catalogs, and registration websites.

Summary of Remarks by Eve Hill

Eve Hill explained why colleges and universities are required to make technology accessible to individuals with disabilities. The Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, require “institutions of higher education to ensure that what they teach, and all their communications, whether with students, parents, alumni, sports fans, the general public, faculty or staff – all such communications – are communicated to students and those with disabilities just as effectively as they are communicated to students and others without disabilities.” Accessibility is not optional. The ADA requires covered entities to be prepared for people with disabilities to be their customers, their employees, their constituents, and their students, all the time, as if they might be everywhere, because they are everywhere.

In June 2010, the Department of Justice (DOJ) and the Department of Education (DOE) wrote to all college presidents explaining that requiring the use of emerging technologies in the classroom that are inaccessible violates the ADA (copy attached). Rules are expected to be published soon that provide more guidance on accessibility standards and requirements. Nonetheless, even in the absence of specific rules, over the past several years DOJ has investigated complaints and entered into multiple settlement agreements.

When DOJ enters into settlements with schools, they require the schools to establish working relationships and contracts with interpreters, so they’ll be ready in advance. DOJ sometimes requires schools to purchase and set up video remote interpreting so they will be ready in advance. DOJ requires these schools to train staff and adopt and publicize policies. The same is true of technology. Ms. Hill opined that the “after the fact-on request” approach that has traditionally been used by disability student services offices doesn’t work when we’re talking about equally effective communication of electronic and digital information.

Ms. Hill highlighted a number of DOJ and DOE settlements relating to accessibility:

- DOJ required the Orange County, Florida Clerk of Courts to make its website comply with web content accessibility guidelines (WCAG 2.0 level AA). H&R Block reached a settlement with the National Federation of the Blind (NFB) and its website, tax filing utility, and mobile apps were required to be made accessible as of January 1, 2015. H&R Block also paid nearly $100,000 to two plaintiffs plus a $55,000 civil penalty to the government. DOJ filed a number of Amicus briefs against Netflix because their streaming videos were not captioned, and Netflix was required to have all streaming videos captioned by January of 2015.

- In 2010, DOJ, as a result of complaints filed by NFB, reached settlement agreements with six colleges. The agreements include a requirement that the schools will not purchase, require, or use the amazon Kindle OX eBook readers or any other eBook reader that is not accessible. Those six
schools have to ensure that a student who is blind or has low vision can acquire the same information, engage in the same interactions, and enjoy the same services as sighted students with substantially equivalent ease of use.

- In 2012, DOJ reached a settlement agreement with the Sacramento Public Library requiring them to buy at least 18 accessible eBook readers.

- Louisiana Tech University used a version of an online learning product that was inaccessible to a blind student. Through a DOJ settlement agreement, Louisiana Tech had to remediate the online learning product.

- DOE has reached agreements with South Carolina Tech about its inaccessible websites and with the University of Montana regarding inaccessible websites, library databases, live chats, videos, class registration and learning management systems.

DOJ and DOE settlement agreements related to accessibility usually contain a combination of the following requirements:

- Training on the ADA for those, including faculty, who design technology, use technology, and/or use and create course materials
- An audit of an institution’s technology
- The establishment of an office to help achieve accessibility
- All new instructional materials and online courses will be accessible to disabled students at the same time they are available to non-disabled students
- Existing instructional materials and online courses will be made accessible
- Other technology, apps, hardware, software, telecommunications and multimedia will be accessible if it is commercially available, unless it results in an undue burden or a fundamental alteration
- Universities must develop procedures for determining when accessibility is an undue burden or a fundamental alteration
- Technology contracts must require contractors to warrant compliance with WCAG Standard 2.0 AA, provide accessibility testing results, and written documentation of accessibility
- Contractors must respond promptly to complaints, and they must indemnify the university for inaccessibility
- Adoption of a variety of policies:
  - A policy that the institution will only buy, develop, or use accessible technology and materials;
  - A policy stating the institution’s technology will provide equal opportunity to use the technology fully equally and independently;
  - A policy that all new web pages will meet the Accessibility standard WCAG 2.0 AA; and
  - A policy covering any exceptions.

In addition to settlement agreements with DOJ, the NFB has been active in investigating and filing suits with colleges and universities. NFB resolved complaints with Florida State University because FSU used inaccessible eLearning systems and clickers. The settlement included payment of $150,000 in damages to two students. Penn State is currently complying with an NFB settlement agreement to resolve a complaint about inaccessible course management software, websites, classroom technology, clickers and
banking. NFB filed suit against Miami University because of inaccessible textbooks and course management systems.

Eve Hill stressed that a complaint from a student, employee, prospective student or member of the general public can trigger an investigation and result in a lawsuit.

The Work of the Accessibility Task Force

Nearly all the members of the Accessibility Task Force attended the Summit. The task force met for the final time in late September and drafted the following recommendations:

1. TBR and UT should develop and implement policies concerning the deployment of accessible information materials and technologies (IMTs) and digital curricula in the college and university setting. “Accessible” means 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.

2. TBR and UT should develop and implement procedures that require colleges and universities to purchase or recommend only accessible information materials and technologies (IMTs), if an accessible IMT is commercially available and its purchase would not result in undue financial and administrative burdens or a fundamental alteration. TBR and UT should effectuate these obligations by implementing as part of its RFP process:

   - language that bidders meet the accessibility standards set forth in Web Content Accessibility Guidelines 2.0 Level AA standard (“WCAG 2.0 AA”) for web-based technology (or subsequently developed guidelines), Section 508 of the Rehabilitation Act and the Americans with Disabilities Act;

   - requiring or encouraging, at the college or university’s discretion, as part of any contract with its vendors, provisions by which:

      - the vendor warrants that any IMT provided complies with WCAG 2.0 AA for web-based technology (or subsequently developed guidelines), Section 508 of the Rehabilitation Act and the Americans with Disabilities Act; and

      - the vendor is required to provide accessibility testing results and written documentation verifying accessibility, to promptly respond to and resolve accessibility complaints, and to indemnify and hold the University harmless in the event of claims arising from inaccessibility.

3. UT and TBR should examine the feasibility of issuing a joint RFP for a state-wide vendor for providing alternative accessible textbooks for students with disabilities.

4. By December 31, 2015, TBR and UT both should complete an accessibility audit of a representative sample of its IMTs that will examine the accessibility of the IMTs provided by colleges and universities to students and prospective students who have disabilities. The audit should examine various types of the IMTs, including college/university websites, library services, course management systems and course registration software. By March 31, 2016, TBR and UT both should develop an IMT corrective action plan based on the audit findings. Strategies should include priorities for making IMT accessible, a schedule for making IMT accessible, and a plan to periodically monitor the accessibility of IMTs. Strategies should be reviewed by THEC and approved by the respective system’s board.
5. By December 31, 2015, UT and TBR both should complete an accessibility audit of a representative sample of its textbooks that will examine their accessibility by students with disabilities.

6. TBR and UT should provide and make readily available to faculty and staff, who develop or post content on a website or through other IMTs, training and information on how to make digital information accessible and how to use automated tools to check and ensure the accessibility of content.

7. No later than December 31, 2015, all pages hosted on college/university websites that have been published or updated on or after June 1, 2014 should be accessible according to WCAG 2.0 AA. Any other pages should promptly be made accessible upon request or the information made available in a timely manner and in an accessible format to the individual who made the request. This requirement should not apply to personal pages; however, TBR and UT should provide resources to authors of pages to give guidance on making such pages accessible.

8. TBR and UT should designate at least one full-time staff member at each campus who will have responsibility and commensurate authority for oversight of accessibility issues. This person should also serve as the contact to answer questions and assist with informal dispute resolution relating to accessibility issues.

9. “Instructional Materials” are items that are created, purchased or identified to serve in instruction and communication of information in the curricular settings at public higher education institutions in Tennessee. These items may include, but are not limited to, textbooks in bound, unbound, kit or package form, library media (print, non-print, and electronic resources), instructional software content, web/online content and learning objects, E-books, CD-ROM, DVDs, videos, slides, films and filmstrips, learning laboratories, recordings, manipulatives, consumables and ITV content.

THEC forwarded the recommendations to the Tennessee General Assembly on November 24, 2014. THEC indicated: “Both the TBR and UT systems have voluntarily agreed to pursue these initiatives and work has already begun on implementation.”

**University of Tennessee Response to the Accessibility Task Force**

President Joe DiPietro convened a small group to research best practices and provide recommendations regarding how the University of Tennessee campuses and the System Administration should respond to the Accessibility Task Force Recommendations.

The UT study Group included the following:
- Katie High, Vice President for Academic Affairs and Student Success and member of the summer Accessibility Task Force
- Les Mathews, Executive Director, Information Technology
- Sandy Jansen, Executive Director, Audit and Consulting Services
- Ron Loewen, Budget Director, Office of Chief Financial Officer
- Louis Hanemann, Associate Director, Government Relations and Advocacy
- John Sturgis, IT Security Administrator, Audit and Consulting Services
- Matthew Scoggins, Assistant General Counsel (advisor to the Study Group)
The UT Study Group contacted institutions that had reached settlements with DOJ and/or NFB to learn about their Accessibility policies and procedures and strategies for implementation. The following institutions were studied:

- Ohio State University
- University of Montana
- University of California
- California State University
- Penn State University

On January 20-21, 2015, Mr. Christian Johansen, who oversees the accessibility activities at Penn State, visited UT to explain how Penn State developed and implemented the terms of its settlement agreement with NFB. Mr. Johansen met with the Study Group as well as over 50 staff members from all UT campuses and units. Separate meetings were held for individuals in the following offices: Human Resources, Disability Services, IT, Instructional Design, Academic Affairs, Student Affairs, and Equity and Diversity. The meetings were designed to inform UT staff about the ADA requirements and to explain how Penn State is complying with the terms of the settlement agreement.

In all meetings, it was stressed that the meetings were informational. It was expected that each campus/unit would develop its own response to the Accessibility Task Force Recommendations.

**Study Group Recommendations to President DiPietro**

Mr. Johansen met with the UT Study Group for a half-day planning session at the end of his visit to UT. Penn State has made remarkable progress in ensuring webpages, learning management systems and other instructional technologies are becoming accessible. Penn State has developed a clear Implementation Plan. Mr. Johansen provided several strategies UT could consider as the campuses/units develop their plans.

One disadvantage of the Penn State approach is related to the institution’s organizational structure. All the campuses and affiliated units at Penn State report to one person—the provost. Therefore, Penn State only needed to develop one plan. The Study Group recognizes the differences among UT campuses and units and believes that each unit should develop a plan that meets its specific needs. The University of California system is much more like UT in terms of organizational structure.

Blending the approach of the University of California System and the strategies employed by Penn State, the Study group offers the following recommendations for consideration:

1. **Accessibility Task Force Recommendation #1:** TBR and UT should develop and implement policies concerning the deployment of accessible information materials and technologies (IMTs) and digital curricula in the college and university setting. “Accessible” means 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.

**UT Study Group Response:** UT should develop a system-wide policy statement that establishes a flexible framework allowing for the implementation of an Accessible Technology Plan (ATP) at each campus/unit. The University of California System Policy should be circulated to UT campus/unit leadership for consideration and feedback regarding the feasibility of the University of California System approach. (University of California information is attached.)
Responsibility for Implementation: After receiving feedback from the campuses/units (if favorable) the Office of the General Counsel and the Office of Budget and Finance will draft a policy and circulate for campus/unit feedback.

2. **Accessibility Task Force Recommendation #2:** TBR and UT should develop and implement procedures that require colleges and universities to purchase or recommend only accessible information materials and technologies (IMTs), if an accessible IMT is commercially available and its purchase would not result in undue financial and administrative burdens or a fundamental alteration. TBR and UT should effectuate these obligations by implementing as part of its RFP process: (a) language that bidders meet the accessibility standards set forth in Web Content Accessibility Guidelines 2.0 Level AA standard (“WCAG 2.0 AA”) for web-based technology (or subsequently developed guidelines), or EPUB3, Section 508 of the Rehabilitation Act and the Americans with Disabilities Act; and (b) requiring or encouraging, at the college or university’s discretion, as part of any contract with its vendors, provisions by which: (i) the vendor warrants that any IMT provided complies with WCAG 2.0 AA for web-based technology (or subsequently developed guidelines), or EPUB3, Section 508 of the Rehabilitation Act and the Americans with Disabilities Act; and (ii) the vendor is required to provide accessibility testing results and written documentation verifying accessibility, to promptly respond to and resolve accessibility complaints, and to indemnify and hold the University harmless in the event of claims arising from inaccessibility.

UT Study Group Response: This recommendation will be discussed with the Chief Business Officers at its next meeting. Les Mathews, Ron Loewen, Blake Reagan, Mark Paganelli and Samantha Johnson will work on language for possible incorporation into RFPs and contracts.

Responsibility for Implementation: Office of Treasurer/Chief Financial Officer

3. **Accessibility Task Force Recommendation #3:** UT and TBR should examine the feasibility of issuing joint RFP(s) for state-wide vendor(s) to provide accessible IMTs and services for students with disabilities.

UT Study Group Response: This recommendation should be pursued with TBR.

Responsibility for Implementation: Office of Treasurer/Chief Financial Officer

4. **Accessibility Task Force Recommendation #4:** By December 31, 2015, TBR and UT both should complete an accessibility audit of a representative sample of its IMTs that will examine the accessibility of the IMTs provided by colleges and universities to students and prospective students who have disabilities. The audit should examine various types of the IMTs, including college/university websites, library services, course management systems and course registration software. By March 31, 2016, TBR and UT both should develop an IMT corrective action plan based on the audit findings. Strategies should include priorities for making IMT accessible, a schedule for making IMT accessible, and a plan to periodically monitor the accessibility of IMTs. Strategies should be reviewed by THEC and approved by the respective system’s board.
**UT Study Group Response:** The Penn State experience revealed that an audit *per se* yielded volumes of data that were, for the most part, unusable. Consequently, we recommend a different approach: devote the staff time and resources that would be spent on an audit to simply getting on with the business of improving the accessibility of our most critical IMTs. Penn State employs a triage method to prioritize the websites that need to be examined. The triage method resulted in a list of Top 100 Websites That Must Be Accessible. As these Top 100 sites become accessible, others are added to the list. The triage strategy uses 3 criteria for determining which websites need to be examined: 1) home pages and other sites determined as “mission critical” for the institution, 2) websites that a student or employee must visit at least once (e.g., admissions, registration, employment application), and 3) websites that experience the highest volume of visits.

The Study Group recommends that the UT campuses/units employ a similar strategy as they prioritize their work. If an audit is conducted, it makes sense to do so only after policies are established and implementation plans have been underway for some time. Periodic campus/unit self-assessment reports monitoring progress and effectiveness of the ATPs may prove to be more useful than audits in making the University’s IMTs more accessible.

Each campus/unit should establish a timeline for this work in its ATP.

**Responsibility for Implementation:** Campuses/units, using the UT System Accessibility Policy for guidance.

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5. **Accessibility Task Force Recommendation #5:** By December 31, 2015, UT and TBR both should complete an accessibility audit of a representative sample of its textbooks that will examine their accessibility by students with disabilities.

**UT Study Group Response:** The Study Group learned through the Penn State experience that this audit is not necessary. The campus offices of disability services should be able to provide a list of any textbooks that are accessible. As Penn State developed their plan, they learned that very few, if any, textbooks are accessible. Each campus/unit ATP should include strategies for increasing the accessibility of textbooks.

**Responsibility for Implementation:** Campuses/units, using the UT System Accessibility Policy for guidance.

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6. **Accessibility Task Force Recommendation #6:** TBR and UT should provide and make readily available to faculty and staff, who develop or post content on a website or through other IMTs, training and information on how to make digital information accessible and how to use automated tools to check and ensure the accessibility of content.

**UT Study Group Response:** While developing ATPs, UT campuses/units should work together to determine the best approach to provide training and information on accessibility to faculty and staff. We learned from Penn State that while automated tools are helpful they are not reliable to use as the only method to determine accessibility. The best way to determine accessibility is to employ the services of a disabled person, possibly students or staff.
**Responsibility for Implementation:** to be determined.

7. **Accessibility Task Force Recommendation #7:** No later than December 31, 2015, all pages hosted on college/university websites that have been published or updated on or after June 1, 2014 should be accessible according to WCAG 2.0 AA. Any other pages should promptly be made accessible upon request or the information made available in a timely manner and in an accessible format to the individual who made the request. This requirement should not apply to personal pages; however, TBR and UT should provide resources to authors of pages to give guidance on making such pages accessible.

**UT Study Group Response:** Rather than try to remediate “all” pages, UT campuses/units should prioritize the websites that need attention, possibly using the “triage” method described in Recommendation #4 (above). Each campus/unit should establish a timeline for this work in its ATP. Each ATP should include a procedure through which a person may request that a page be converted to an accessible format.

**Responsibility for Implementation:** UT System Administration will be responsible for addressing UT system websites; each campus/unit will be responsible for addressing its own websites.

8. **Accessibility Task Force Recommendation #8:** TBR and UT should designate at least one full-time staff member at each campus who will have responsibility and commensurate authority for oversight of accessibility issues. This person should also serve as the contact to answer questions and assist with informal dispute resolution relating to accessibility issues.

**UT Study Group Response:** The Study Group anticipates that it may be difficult for a single person to both provide oversight of accessibility issues and assist with informal dispute resolution. Each campus/unit (and the System Administration) should determine how best to organize accessibility responsibilities and include a description of its organizational structure in the ATP.

In addition, one individual or unit from the System Administration should serve as the system-wide facilitator to encourage system-wide communications among campuses/units to discuss progress, share best practices, and explore options for collaboration where appropriate. This individual/unit would also have responsibility for compiling any required reports and reviewing policies on a periodic basis.

**Responsibility for Implementation:** UT System Administration will be responsible for designating the person or unit responsible for UT System accessibility issues; each campus/unit will be responsible for determining how best to organize its accessibility responsibilities.

9. **Accessibility Task Force Recommendation #9:** “Instructional Materials” are items that are created, purchased or identified to serve in instruction and communication of information in the curricular settings at public higher education institutions in Tennessee. These items may include, but are not limited to, textbooks in bound, unbound, kit or package form, library media (print,
non-print, and electronic resources), instructional software content, web/online content and learning objects, E-books, CD-ROM, DVD, videos, slides, films and filmstrips, learning laboratories, recordings, manipulatives, consumables and ITV content.

**UT Study Group Response:** The UT System’s Accessibility Policy should include a definition of “instructional materials.” The UT System should use the definition established by the Accessibility Task Force as a guide.

**Responsibility for Implementation:** The Office of the General Counsel and the Office of Budget and Finance will draft a policy and circulate for campus/unit feedback.
June 29, 2010

Dear College or University President:

We write to express concern on the part of the Department of Justice and the Department of Education that colleges and universities are using electronic book readers that are not accessible to students who are blind or have low vision and to seek your help in ensuring that this emerging technology is used in classroom settings in a manner that is permissible under federal law. A serious problem with some of these devices is that they lack an accessible text-to-speech function. Requiring use of an emerging technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities—individuals with visual disabilities—is discrimination prohibited by the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) unless those individuals are provided accommodations or modifications that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner.

The Departments of Justice and Education share responsibility for protecting the rights of college and university students with disabilities. The Department of Justice is responsible for enforcement and implementation of title III of the ADA, which covers private colleges and universities, and the Departments of Justice and Education both have enforcement authority under title II of the ADA, which covers public universities. In addition, the Department of Education enforces Section 504 with respect to public and private colleges and universities that receive federal financial assistance from the Department of Education. As discussed below, the general requirements of Section 504 and the ADA reach equipment and technological devices when they are used by public entities or places of public accommodation as part of their programs, services, activities, goods, advantages, privileges, or accommodations.

Under title III, individuals with disabilities, including students with visual impairments, may not be discriminated against in the full and equal enjoyment of all of the goods and services of private colleges and universities; they must receive an equal opportunity to participate in and benefit from these goods and services; and they must not be provided different or separate goods or services unless doing so is necessary to ensure that access to the goods and services is equally as effective as that provided to others. Under title II, qualified individuals with disabilities may not be excluded from participation in or denied the benefits of the services, programs, or activities of, nor subjected to discrimination by, public universities and colleges. Both title II and Section 504 prohibit colleges and universities from affording individuals with disabilities with an opportunity to participate in or benefit from college and university aids,

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1 28 C.F.R. § 36.201(a); 28 C.F.R. § 36.202(a); and 28 C.F.R. § 36.202(c) (2009).
2 28 C.F.R. § 35.130(a) (2009).
benefits, and services that is unequal to the opportunity afforded others.\textsuperscript{3} Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or the same level of achievement as others.\textsuperscript{4} A college or university may provide an individual with a disability, or a class of individuals with disabilities, with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others.\textsuperscript{5}

The Department of Justice recently entered into settlement agreements with colleges and universities that used the Kindle DX, an inaccessible, electronic book reader, in the classroom as part of a pilot study with Amazon.com, Inc. In summary, the universities agreed not to purchase, require, or recommend use of the Kindle DX, or any other dedicated electronic book reader, unless or until the device is fully accessible to individuals who are blind or have low vision, or the universities provide reasonable accommodation or modification so that a student can acquire the same information, engage in the same interactions, and enjoy the same services as sighted students with substantially equivalent ease of use. The texts of these agreements may be viewed on the Department of Justice’s ADA Web site, www.ada.gov. (To find these settlements on www.ada.gov, search for “Kindle.”) Consistent with the relief obtained by the Department of Justice in those matters, the Department of Education has also resolved similar complaints against colleges and universities.

As officials of the agencies charged with enforcement and interpretation of the ADA and Section 504, we ask that you take steps to ensure that your college or university refrains from requiring the use of any electronic book reader, or other similar technology, in a teaching or classroom environment as long as the device remains inaccessible to individuals who are blind or have low vision. It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students.

Congress found when enacting the ADA that individuals with disabilities were uniquely disadvantaged in American society in critical areas such as education.\textsuperscript{6} Providing individuals with disabilities full and equal access to educational opportunities is as essential today as it was when the ADA was passed. In a Proclamation for National Disability Employment Awareness Month, President Obama underscored the need to “strengthen and expand the educational opportunities for individuals with disabilities,” noting that, “[i]f we are to build a world free from unnecessary barriers . . . we must ensure that every American receives an education that prepares him or her for future success.” \url{http://www.whitehouse.gov/the-press-office/presidential-proclamation-national-disability-employment-awareness-month} (September 30, 2009) (emphasis added).

\textsuperscript{3} 28 C.F.R. § 35.130(b)(1)(ii) and 34 C.F.R. § 104.4(b)(1)(ii) (2009).
\textsuperscript{4} Cf. 28 C.F.R. § 35.130(b)(1)(iii) and 34 C.F.R. § 104.4(b)(1)(iii) (2009).
\textsuperscript{5} 28 C.F.R. § 35.130(b)(1)(iv) and 34 C.F.R. § 104.4(b)(1)(iv) (2009).
Technology is the hallmark of the future, and technological competency is essential to preparing all students for future success. Emerging technologies are an educational resource that enhances learning for everyone, and perhaps especially for students with disabilities. Technological innovations have opened a virtual world of commerce, information, and education to many individuals with disabilities for whom access to the physical world remains challenging. Ensuring equal access to emerging technology in university and college classrooms is a means to the goal of full integration and equal educational opportunity for this nation’s students with disabilities. With technological advances, procuring electronic book readers that are accessible should be neither costly nor difficult.

We would like to work with you to ensure that America’s technological advances are used for the benefit of all students. The Department of Justice operates a toll-free, technical assistance line to answer questions with regard to the requirements of federal laws protecting the rights of individuals with disabilities. For technical assistance, please call (800) 514-0301 (voice) or (800) 514-0383 (TTY). Specialists are available Monday through Friday from 9:30 AM until 5:30 PM (ET) except for Thursday, when the hours are 12:30 PM until 5:30 PM. These specialists have been trained specifically to address questions regarding accessible electronic book readers. Colleges, universities, and other stakeholders can also contact the Department of Education’s Office for Civil Rights for technical assistance by going to OCR’s Web site at http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm.

We appreciate your consideration of this essential educational issue and look forward to working with you to ensure that our nation’s colleges and universities are fully accessible to individuals with disabilities.

Sincerely,

Thomas E. Perez
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice

Russlynn Ali
Assistant Secretary
for Civil Rights
U.S. Department of Education
May 26, 2011

Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter

General Issues

1. Does the June 29, 2010, Dear Colleague Letter (DCL) on access to electronic book readers impose new legal obligations?

A: No. The DCL discusses long-standing law. Specifically, it addresses key principles of Federal disability discrimination law: the obligation to provide an equal opportunity to individuals with disabilities to participate in, and receive the benefits of, the educational program, and the obligation to provide accommodations or modifications when necessary to ensure equal treatment. Under Section 504 of the Rehabilitation Act of 1973 (Section 504), these legal standards apply to entities that receive Federal financial assistance, including elementary, secondary, and postsecondary institutions. (In this FAQ, the term “schools” refers to all these types of institutions.) Under Title II of the Americans with Disabilities Act (ADA) of 1990 (Title II), these obligations apply to entities of state and local government, including public schools.

The DCL outlines concerns on the part of the Department of Justice (DOJ) and the Department of Education (Department), raised in the context of their resolution of several cases, regarding compliance with these long-standing requirements.

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1 The Department of Education has determined that this document is a “significant guidance document” under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at http://www.whitehouse.gov/sites/default/files/omb/assets/regulatory_matters_pdf/012507_good_guidance.pdf. OCR issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations and to provide members of the public with information about their rights under the civil rights laws and implementing regulations that we enforce. OCR’s legal authority is based on those laws and regulations. This document does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov, or write to us at the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

2 The Department of Justice is responsible for enforcing Title III of the ADA, which prohibits discrimination on the basis of disability by private schools, among other entities.
Specifically, some postsecondary institutions were using electronic book readers that are inaccessible to students who are blind or have low vision. As explained by the DCL, application of our long-standing nondiscrimination requirements means that schools must provide an electronic book reader (i.e., the technology that the school uses to provide educational benefits, services, or opportunities) that is fully accessible to students who are blind or have low vision; otherwise schools must provide accommodations or modifications to ensure that the benefits of their educational program are provided to these students in an equally effective and equally integrated manner.

For the purposes of assessing whether accommodations or modifications in the context of emerging technology, and, more specifically, electronic book readers, meet the compliance requirements, the DCL provides a functional definition of accessibility for students who are blind or have low vision. Under this definition, these students must be afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students. In addition, although this might not result in identical ease of use compared to that of students without disabilities, it still must ensure equal access to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology. The DCL uses the term “substantially equivalent ease of use” to describe this concept. For more information and for examples that meet this standard, see Questions 11, 12, and 14.

2. Does the DCL apply in the context of students with other disabilities that affect the ability to use printed materials?

A: Yes. Other disabilities, such as specific learning disabilities, may make it difficult for students to get information from printed sources (often called “print disabilities”). In its provision of benefits, services, and opportunities, a school must ensure that these students are not discriminated against as a result of inaccessible technology.

Example: A student has a learning disability in reading but does not have impaired vision. The student is currently receiving audiobooks on cassette tape for her history class because she cannot readily process printed information. The school is replacing the history textbooks with electronic book readers as the principal means of conveying curriculum content, including all homework assignments. In this example, the electronic book readers provide greater functionality than audiobooks provide, with the result that an audiobook would not afford the benefits of the educational program in an equally effective and equally integrated manner. For this reason the school may not continue to rely on audiobooks to provide equal access to the curriculum. For more information on the differences between traditional alternative media, such as audiobooks, and emerging technology, such as electronic book readers, see Question 12.
3. **Does the DCL mean that schools cannot use emerging technology?**

   **A: No.** On the contrary, the Department encourages schools to employ innovative learning tools. Because technology is evolving, it has the capability to enhance the academic experience for everyone, especially students with disabilities. Innovation and equal access can go hand in hand. The purpose of the DCL is to remind everyone that equal access for students with disabilities is the law and must be considered as new technology is integrated into the educational environment.

4. **Does the DCL apply to elementary and secondary schools?**

   **A: Yes.** The DCL grew out of complaints filed with the Department’s Office for Civil Rights (OCR) and DOJ that concerned postsecondary education. However, the principles underlying the DCL — equal opportunity, equal treatment, and the obligation to make accommodations or modifications to avoid disability-based discrimination — also apply to elementary and secondary schools under the general nondiscrimination provisions in Section 504 and the ADA. The application of these principles to elementary and secondary schools is also supported by the requirement to provide a free appropriate public education (FAPE) to students with disabilities. For more information, see Question 13.

5. **Does the DCL apply to all school operations and all faculty and staff?**

   **A: Yes.** All school operations are subject to the nondiscrimination requirements of Section 504 and the ADA. Thus, all faculty and staff must comply with these requirements.

   Section 504 and the ADA require that covered entities designate at least one person to coordinate their compliance efforts, and that they adopt and publish grievance procedures to resolve complaints of noncompliance. In addition, postsecondary schools often designate certain staff or offices (sometimes referred to as disability student-services offices) to assist students with disabilities.

   The law applies to all faculty and staff, not just a Section 504 or ADA coordinator or staff members designated to assist students with disabilities. All faculty and staff must comply with the nondiscrimination requirements of Section 504 and the ADA in their professional interactions with students, because these interactions are part of the operations of the school. So, for example, if an adjunct faculty member denies a student who is blind an equal opportunity to participate in a course by assigning inaccessible course content, the school can be held legally responsible for the faculty member’s actions. Therefore, schools should provide, and faculty and staff should participate in, professional development about accessibility and emerging technology, and about the role of faculty and staff in helping the school to comply with disability discrimination laws.
Applying the DCL in Different Contexts

6. Does the DCL apply beyond electronic book readers to other forms of emerging technology?

   A: Yes. The core principles underlying the DCL — equal opportunity, equal treatment, and the obligation to make modifications to avoid disability-based discrimination — are part of the general nondiscrimination requirements of Section 504 and the ADA. Therefore, all school programs or activities — whether in a “brick and mortar,” online, or other “virtual” context — must be operated in a manner that complies with Federal disability discrimination laws.

7. Does the DCL apply to online courses and other online content, such as online applications for admission, class assignments, and housing?

   A: Yes. The principles in the DCL apply to online programs that are part of the operations of the school, i.e., provided by the school directly or through contractual or other arrangements.

8. Does the DCL apply to pilot programs or other school programs that are of short duration?

   A: Yes. The complaints discussed in the DCL were based on pilot programs that were part of the schools’ operations. As noted in Question 5 above, all school programs and activities are subject to the nondiscrimination requirements of Section 504 and the ADA.

9. Does the DCL apply when planning to use an emerging technology in a class or school where no students with visual impairments are currently enrolled?

   A: Yes. Schools that are covered under Section 504 and the ADA have a continuing obligation to comply with these laws. Therefore, the legal obligations described in the DCL always apply. Just as a school system would not design a new school without addressing physical accessibility, the implementation of an emerging technology should always include planning for accessibility. Given that tens of thousands of elementary, secondary, and postsecondary students have visual impairments and that the composition of the student body at a given school may change quickly and unpredictably, the use of emerging technology at a school without currently enrolled students with visual impairments should include planning to ensure equal access to the educational opportunities and benefits afforded by the technology and equal treatment in the use of such technology. The planning should include identification of a means to provide immediate delivery of accessible devices or other technology necessary to ensure accessibility from the outset.
Putting the DCL’s Principles Into Practice

10. What questions should a school ask in determining whether emerging technology is accessible, or can be made accessible, to students with disabilities?

A: Schools should begin by considering accessibility issues up front, when they are deciding whether to create or acquire emerging technology and when they are planning how the technology will be used. To that end, schools should include accessibility requirements and analyses as part of their acquisition procedures. Schools should keep in mind their obligation to ensure that students with disabilities receive the benefits of the educational program in an equally effective and equally integrated manner. Among the questions a school should ask are:

- What educational opportunities and benefits does the school provide through the use of the technology?

- How will the technology provide these opportunities and benefits?

- Does the technology exist in a format that is accessible to individuals with disabilities?

- If the technology is not accessible, can it be modified (see Question 11 below about additional questions related to modifications), or is there a different technological device available, so that students with disabilities can obtain the educational opportunities and benefits in a timely, equally effective, and equally integrated manner?

Example: A school intends to establish a Web mail system so that students can: communicate with each other and with faculty and staff; receive important messages from the school (e.g., a message about a health or safety concern); and communicate with individuals outside the school. The school must ensure that the educational benefits, services, and opportunities provided to students through a Web mail system are provided in an equally effective and equally integrated manner. Before deciding what system to purchase, the school should make an initial inquiry into whether the system is accessible to students who are blind or have low vision, e.g., whether the system is compatible with screen readers and whether it gives users the option of using large fonts. If a system is not accessible as designed, the school must take further action to determine whether an accessible product is available, or whether the inaccessible product can be modified so that it is accessible to students who are blind or have low vision.
The DCL states that where accessible technology is not available, a school can comply with Section 504 and the ADA if it provides students with disabilities “accommodations or modifications that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner.” From a practical standpoint, what questions should schools ask to determine if this standard can be met?

A: In making this determination, the questions a school should ask include:

- What educational opportunities and benefits does the school provide through the use of this technology?

- What can the school do to provide students with disabilities equal access to the educational benefits or opportunities provided through the use of the technology?

- How will the educational opportunities and benefits provided to students with disabilities compare to the opportunities and benefits that the technology provides to students without disabilities? Three relevant questions are:
  
  o Are all the educational opportunities and benefits that are available through the use of the technology equally available to students with disabilities through the provision of accommodations or modifications (i.e., do students with disabilities have the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students)?

  o Are the educational opportunities and benefits provided to students with disabilities in as timely a manner as those provided to students without disabilities (i.e., do the time frames under which opportunities and benefits are received by students meet the requirement that students with disabilities be provided benefits and opportunities in an equally effective and equally integrated manner)?

  o Will it be more difficult for students with disabilities to obtain the educational opportunities and benefits than it is for students without disabilities (i.e., does ease of use for students with disabilities meet the requirement that students with disabilities be provided benefits and opportunities in an equally effective and equally integrated manner)?

Example: A high school teacher creates an online course that includes instruction, posting of assignments and other course content, and a forum where students can discuss their course work with the teacher and each other. The teacher would like to incorporate video clips into the course, but is unable to obtain the video clips with audio
12. Are there circumstances under which it would be appropriate for a school to provide traditional alternative media, such as books on tape, to a student who is blind or has low vision?

A: Yes. Traditional alternative media can still be used as an accommodation under appropriate circumstances. For example, if a school provides printed books to students in a class, books on tape may be an appropriate accommodation for a blind student. The DCL does not require schools to use emerging technology. If, however, a school chooses to provide emerging technology and proposes traditional alternative media as an accommodation or modification to provide equal access to the educational opportunities and benefits provided to all students, the alternative media must provide access to the benefits of technology in an equally effective and equally integrated manner. Some forms of emerging technology may readily offer students educational opportunities and benefits that traditional alternative media cannot replicate.

13. If a student who is blind or has low vision makes a request for a particular emerging technology, and that technology currently is not used for all students, must the school provide it?

A: Not necessarily, because such decisions are individualized. The DCL does not change the requirements and processes by which elementary and secondary schools must provide a free appropriate public education, or FAPE, to students with disabilities; nor does the DCL change the processes by which postsecondary schools provide academic adjustments and auxiliary aids to students with disabilities. Rather, the DCL discusses the issue of how Section 504 and the ADA apply if schools choose to incorporate emerging technology into their instruction or other programs or activities for all students.

At the elementary and secondary school levels, if parents believe that their child with a disability requires a particular emerging technology as part of the child’s right to FAPE, even though that technology currently is not used for all students, an individualized decision about providing a specific technology should be made through the processes
used by the school district to make educational decisions consistent with Section 504 or the Individuals with Disabilities Education Act as applicable. At the postsecondary level, a decision about whether to provide a particular emerging technology as an auxiliary aid or service, even though such technology currently is not used for all students, is an individualized one that should be made through any procedure that the school may have established to consider students’ requests for auxiliary aids or services. Postsecondary institutions’ procedures must comply with Section 504 and the ADA.

14. Must a school always provide the same form of emerging technology to a student who is blind or has low vision as it provides to all other students?

No: The legal duty imposed by Section 504 and Title II is to provide equal opportunity — that is, to provide the student who has a disability with access to the educational benefit at issue in an equally effective and equally integrated manner. As described more fully in Question 1, a school must apply this standard in determining whether the use of a particular technological device for a student with a visual impairment is appropriate.

Example: A school library plans to make electronic books available to students by loaning electronic book readers. The school does not, prior to purchase, make necessary inquiries about whether the book readers are accessible to students who are blind or have low vision.

The school subsequently determines that the book readers are not accessible. In an effort to ensure that the educational benefits, i.e., the same library books, are available in an equally effective and equally integrated manner to students with visual impairments, the school purchases a few small, light-weight tablet computers for the library. These tablet computers are designed to serve as a platform for electronic books, as well as other visual and audio media. If the tablet computers can access those electronic books and have accessible text-to-speech\(^3\) functions that allow users to hear the on-screen content read aloud, navigate device controls, and select menu items with the same ease of use afforded by the electronic book readers to sighted students, the tablet computers will then provide the same content and functionality to students with visual impairments.\(^4\) In this example, the tablet computers have those features. As a result, the accommodation or modification would meet the standards articulated in the DCL because it provides the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students, as well as meet the standards in the DCL for ease of use.

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\(^3\) A text-to-speech function is software that provides audio for the printed words, enabling a person to hear instead of having to see the printed material.

\(^4\) The text-to-speech function of the tablet computers provides, for example: electronic book text that is accurate and presented in proper reading order; descriptions of graphical and other non-textual material (e.g., a narrative description of a photograph); and proper presentation of material contained in tables (e.g., properly associating row and column headers with their respective cell data).
In addition, the school purchases the tablet computers in sufficient numbers to loan them to students with visual impairments under the same terms and conditions as it provides the electronic book readers to sighted students. Here, the timely provision of electronic books on accessible tablet computers provides students with visual impairments access to the same educational opportunities and benefits in an equally effective and equally integrated manner.

An accommodation that would not be appropriate in this example would be simply providing a student with an aide to read an electronic book to the student. An aide who is available to read the electronic book to the student only at the school during designated times would not be equivalent to the access provided to sighted students using electronic book readers who would be able to read their library books any time and at any location.

**Other Federal Guidance**

15. Is there any other information available from the Federal government that offers additional guidance about accessibility and emerging technology?

A: Yes. Additional sources of guidance and information include:

**U.S. Department of Education**


- Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, [http://www2.ed.gov/about/bdscomm/list/aim/index.html](http://www2.ed.gov/about/bdscomm/list/aim/index.html).

**U.S. Department of Education Grantees**

**Accessible Media Production and Dissemination**

- National Instructional Materials Access Center (NIMAC), [http://www.nimac.us](http://www.nimac.us).


• National Instructional Materials Accessibility Standard Center (NIMAS Center), http://aim.cast.org/collaborate/NIMASCtr.

• The World Wide Web Consortium (W3C), http://www.w3.org/standards/.
• The Center for Implementing Technology in Education (CITEd), http://www.cited.org.
• The Family Center on Technology and Disability (FCTD), http://www.fctd.info.

Technical Assistance and Training

• National Center on Accessible Instructional Materials (AIM Center), http://aim.cast.org.

U.S. Department of Justice


Architectural and Transportation Barriers Compliance Board (U.S. Access Board)


U.S. General Services Administration

• Section 508.gov website, www.Section508.gov.
The purpose of the Voluntary Product Accessibility Template, or VPAT™, is to assist Federal contracting officials and other buyers in making preliminary assessments regarding the availability of commercial “Electronic and Information Technology” products and services with features that support accessibility. It is assumed and recommended that offerers will provide additional contact information to facilitate more detailed inquiries.

The first table of the Template provides a summary view of the Section 508 Standards. The subsequent tables provide more detailed views of each subsection. There are three columns in each table. Column one of the Summary Table describes the subsections of subparts B and C of the Standards. The second column describes the supporting features of the product or refers you to the corresponding detailed table, e.g., “equivalent facilitation.” The third column contains any additional remarks and explanations regarding the product.

In the subsequent tables, the first column contains the lettered paragraphs of the subsections. The second column describes the supporting features of the product with regard to that paragraph. The third column contains any additional remarks and explanations regarding the product.

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<th>Criteria</th>
<th>Supporting Features</th>
<th>Remarks and explanations</th>
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<td>Section 1194.21 Software Applications and Operating Systems</td>
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## Section 1194.21 Software Applications and Operating Systems – Detail

**VPAT™**

Voluntary Product Accessibility Template®

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<th>Criteria</th>
<th>Supporting Features</th>
<th>Remarks and explanations</th>
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<td>(a) When software is designed to run on a system that has a keyboard, product functions shall be executable from a keyboard where the function itself or the result of performing a function can be discerned textually.</td>
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<td>(b) Applications shall not disrupt or disable activated features of other products that are identified as accessibility features, where those features are developed and</td>
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documented according to industry standards. Applications also shall not disrupt or disable activated features of any operating system that are identified as accessibility features where the application programming interface for those accessibility features has been documented by the manufacturer of the operating system and is available to the product developer.

(c) A well-defined on-screen indication of the current focus shall be provided that moves among interactive interface elements as the input focus changes. The focus shall be programmatically exposed so that Assistive Technology can track focus and focus changes.

(d) Sufficient information about a user interface element including the identity, operation and state of the element shall be available to Assistive Technology. When an image represents a program element, the information conveyed by the image must also be available in text.

(e) When bitmap images are used to identify controls, status indicators, or other programmatic elements, the meaning assigned to those images shall be consistent throughout an application’s performance.

(f) Textual information shall be provided through operating system functions for displaying text. The minimum information that shall be made available is text content, text input caret location, and text attributes.

(g) Applications shall not override user selected contrast and color selections and other individual
When animation is displayed, the information shall be displayable in at least one non-animated presentation mode at the option of the user.

Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

When a product permits a user to adjust color and contrast settings, a variety of color selections capable of producing a range of contrast levels shall be provided.

Software shall not use flashing or blinking text, objects, or other elements having a flash or blink frequency greater than 2 Hz and lower than 55 Hz.

When electronic forms are used, the form shall allow people using Assistive Technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

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### Section 1194.22 Web-based Internet information and applications – Detail

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<tr>
<th>(a) A text equivalent for every non-text element shall be provided (e.g., via &quot;alt&quot;, &quot;longdesc&quot;, or in element content).</th>
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<tbody>
<tr>
<td>(b) Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.</td>
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<td>(c) Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.</td>
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<td>(d) Documents shall be organized so they are readable without requiring an associated style sheet.</td>
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<td>(e) Redundant text links shall be provided for each active region of a server-side image map.</td>
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<tr>
<td>(f) Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.</td>
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<td>(g) Row and column headers shall be identified for data tables.</td>
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<tr>
<td>(h) Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.</td>
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<tr>
<td>(i) Frames shall be titled with text that facilitates frame identification and navigation</td>
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<tr>
<td>(j) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.</td>
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<tr>
<td>(k) A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished</td>
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in any other way. The content of the text-only page shall be updated whenever the primary page changes.

(l) When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by Assistive Technology.

(m) When a web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with §1194.21(a) through (l).

(n) When electronic forms are designed to be completed on-line, the form shall allow people using Assistive Technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

(o) A method shall be provided that permits users to skip repetitive navigation links.

(p) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

Note to 1194.22: The Board interprets paragraphs (a) through (k) of this section as consistent with the following priority 1 Checkpoints of the Web Content Accessibility Guidelines 1.0 (WCAG 1.0) (May 5 1999) published by the Web Accessibility Initiative of the World Wide Web Consortium: Paragraph (a) - 1.1, (b) - 1.4, (c) - 2.1, (d) - 6.1, (e) - 1.2, (f) - 9.1, (g) - 5.1, (h) - 5.2, (i) - 12.1, (j) - 7.1, (k) - 11.4.

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**Section 1194.23 Telecommunications Products**  
**– Detail**  
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<td>(a) Telecommunications products or systems which provide a function allowing voice communication and which do not themselves provide a TTY functionality shall provide a standard non-acoustic connection point for TTYs. Microphones shall be capable of being turned on and off to allow the user to intermix speech with TTY use.</td>
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<td>(b) Telecommunications products which include voice communication functionality shall support all commonly used cross-manufacturer non-proprietary standard TTY signal protocols.</td>
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<td>(c) Voice mail, auto-attendant, and interactive voice response telecommunications systems shall be usable by TTY users with their TTYs.</td>
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<td>(d) Voice mail, messaging, auto-attendant, and interactive voice response telecommunications systems that require a response from a user within a time interval, shall give an alert when the time interval is about to run out, and shall provide sufficient time for the user to indicate more time is required.</td>
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(e) Where provided, caller identification and similar telecommunications functions shall also be available for users of TTYs, and for users who cannot see displays.

(f) For transmitted voice signals, telecommunications products shall provide a gain adjustable up to a minimum of 20 dB. For incremental volume control, at least one intermediate step of 12 dB of gain shall be provided.

(g) If the telecommunications product allows a user to adjust the receive volume, a function shall be provided to automatically reset the volume to the default level after every use.

(h) Where a telecommunications product delivers output by an audio transducer which is normally held up to the ear, a means for effective magnetic wireless coupling to hearing technologies shall be provided.

(i) Interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening devices) shall be reduced to the lowest possible level that allows a user of hearing technologies to utilize the telecommunications product.

(j) Products that transmit or conduct information or communication, shall pass through cross-manufacturer, non-proprietary, industry-standard codes, translation protocols, formats or other information necessary to provide the information or communication in a usable format. Technologies which use encoding, signal compression, format
transformation, or similar techniques shall not remove information needed for access or shall restore it upon delivery.

(k)(1) Products which have mechanically operated controls or keys shall comply with the following: Controls and Keys shall be tactiley discernible without activating the controls or keys.

(k)(2) Products which have mechanically operated controls or keys shall comply with the following: Controls and Keys shall be operable with one hand and shall not require tight grasping, pinching, twisting of the wrist. The force required to activate controls and keys shall be 5 lbs. (22.2N) maximum.

(k)(3) Products which have mechanically operated controls or keys shall comply with the following: If key repeat is supported, the delay before repeat shall be adjustable to at least 2 seconds. Key repeat rate shall be adjustable to 2 seconds per character.

(k)(4) Products which have mechanically operated controls or keys shall comply with the following: The status of all locking or toggle controls or keys shall be visually discernible, and discernible either through touch or sound.
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<td>a) All analog television displays 13 inches and larger, and computer equipment that includes analog television receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals. As soon as practicable, but not later than July 1, 2002, widescreen digital television (DTV) displays measuring at least 7.8 inches vertically, DTV sets with conventional displays measuring at least 13 inches vertically, and stand-alone DTV tuners, whether or not they are marketed with display screens, and computer equipment that includes DTV receiver or display circuitry, shall be equipped with caption decoder circuitry which appropriately receives, decodes, and displays closed captions from broadcast, cable, videotape, and DVD signals.</td>
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(b) Television tuners, including tuner cards for use in computers, shall be equipped with secondary audio program playback circuitry.

(c) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain speech or other audio information necessary for the comprehension of the content, shall be open or closed captioned.

(d) All training and informational video and multimedia productions which support the agency's mission, regardless of format, that contain visual information necessary for the comprehension of the content, shall be audio described.

(e) Display or presentation of alternate text presentation or audio descriptions shall be user-selectable unless permanent.

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**Section 1194.25 Self-Contained, Closed Products – Detail**

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<td>(a) Self contained products shall be usable by people with disabilities without requiring an end-user to attach Assistive Technology to the product. Personal headsets for private listening are not Assistive Technology.</td>
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<td>(b) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.</td>
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<td>(c) Where a product utilizes touchscreens or contact-sensitive controls, an input method shall be provided that complies with §1194.23 (k) (1) through (4).</td>
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<td>(d) When biometric forms of user identification or control are used, an alternative form of identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.</td>
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<td>(e) When products provide auditory output, the audio signal shall be provided at a standard signal level through an industry standard</td>
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connector that will allow for private listening. The product must provide the ability to interrupt, pause, and restart the audio at anytime.

(f) When products deliver voice output in a public area, incremental volume control shall be provided with output amplification up to a level of at least 65 dB. Where the ambient noise level of the environment is above 45 dB, a volume gain of at least 20 dB above the ambient level shall be user selectable. A function shall be provided to automatically reset the volume to the default level after every use.

(g) Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

(h) When a product permits a user to adjust color and contrast settings, a range of color selections capable of producing a variety of contrast levels shall be provided.

(i) Products shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.
(j)(1) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: The position of any operable control shall be determined with respect to a vertical plane, which is 48 inches in length, centered on the operable control, and at the maximum protrusion of the product within the 48 inch length on products which are freestanding, non-portable, and intended to be used in one location and which have operable controls.

(j)(2) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: Where any operable control is 10 inches or less behind the reference plane, the height shall be 54 inches maximum and 15 inches minimum above the floor.

(j)(3) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: Where any operable control is more than 10 inches and not more than 24 inches
behind the reference plane, the height shall be 46 inches maximum and 15 inches minimum above the floor.

(j)(4) Products which are freestanding, non-portable, and intended to be used in one location and which have operable controls shall comply with the following: Operable controls shall not be more than 24 inches behind the reference plane.

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<td>(a) All mechanically operated controls and keys shall comply with §1194.23 (k) (1) through (4).</td>
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<tr>
<td>(b) If a product utilizes touchscreens or touch-operated controls, an input method shall be provided that complies with §1194.23 (k) (1) through (4).</td>
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<tr>
<td>(c) When biometric forms</td>
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of user identification or control are used, an alternative form of identification or activation, which does not require the user to possess particular biological characteristics, shall also be provided.

(d) Where provided, at least one of each type of expansion slots, ports and connectors shall comply with publicly available industry standards.

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<td>(a) At least one mode of operation and information retrieval that does not require user vision shall be provided, or support for Assistive Technology used by people who are blind or visually impaired shall be provided.</td>
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<td>(b) At least one mode of operation and information retrieval that does not require visual acuity</td>
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greater than 20/70 shall be provided in audio and enlarged print output working together or independently, or support for Assistive Technology used by people who are visually impaired shall be provided.

(c) At least one mode of operation and information retrieval that does not require user hearing shall be provided, or support for Assistive Technology used by people who are deaf or hard of hearing shall be provided.

(d) Where audio information is important for the use of a product, at least one mode of operation and information retrieval shall be provided in an enhanced auditory fashion, or support for assistive hearing devices shall be provided.

(e) At least one mode of operation and information retrieval that does not require user speech shall be provided, or support for Assistive Technology used by people with disabilities shall be provided.

(f) At least one mode of operation and information retrieval that does not require fine motor control or simultaneous actions and that is operable with limited reach and
strength shall be provided.

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**Section 1194.41 Information, Documentation and Support – Detail**

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<td>(a) Product support documentation provided to end-users shall be made available in alternate formats upon request, at no additional charge</td>
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<tr>
<td>(b) End-users shall have access to a description of the accessibility and compatibility features of products in alternate formats or alternate methods upon request, at no additional charge.</td>
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<td>(c) Support services for products shall accommodate the communication needs of end-users with disabilities.</td>
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