

1. Title

Access by Persons with Disabilities to Electronic and Information Resources Procured or Developed by The University of Texas System Administration and The University of Texas System Institutions

2. Policy

Sec. 1 Requirements. As authorized by Chapter 2054, Subchapter M of the *Texas Government Code*, the Texas Department of Information Resources (DIR) has adopted rules (the DIR Accessibility Rules) governing how Texas institutions of higher education are to develop, procure, maintain, and use electronic and information resources (EIRs) so that the EIRs may be accessed by individuals with disabilities. Such DIR Accessibility Rules are set forth in Title 1, Chapter 206, Rule §206.70 of the *Texas Administrative Code* and in Title 1, Chapter 213 of the *Texas Administrative Code*.

Section 2054.454 of the *Texas Government Code* and Title 1, Rule §213.37 of the *Texas Administrative Code* state that each Texas state agency must develop, procure, maintain, and use accessible EIRs that conform to the DIR Accessibility Rules. Therefore, this policy has been created to address how The University of Texas System Administration and all U. T. System institutions are to comply with the DIR Accessibility Rules.

Section 2054.460 of the *Texas Government Code* and Title 1, Rule §213.37 of the *Texas Administrative Code* further provide that the president or chancellor of a Texas institution of higher education may approve exceptions to compliance with the DIR Accessibility Rules in the event that such compliance will constitute a “significant difficulty or expense” on that institution of higher education. As a result, this policy establishes the circumstances under which such exceptions will be approved by either the Chancellor or by the president of a U. T. System institution.

Sec. 2 Compliance. The U. T. System Administration and all U. T. System institutions must comply with the DIR Accessibility Rules when developing, procuring, maintaining, or using EIRs. When procuring EIRs, U. T. System Administration and all U. T. System institutions will comply with this policy and with the procedures set forth in Office of General Counsel (OGC) Bulletin 2006-1, “Access by Persons with Disabilities to Electronic and Information Resources Procured by The University of Texas System Administration and The University of Texas System Institutions.” When developing EIRs, U. T. System Administration and all U. T. System institutions will comply with this

policy and with the procedures set forth in OGC Bulletin 2009-1, "Access by Persons with Disabilities to Electronic and Information Resources Developed by The University of Texas System Administration and The University of Texas System Institutions."

Sec. 3 Exceptions. The Chancellor must, in accordance with OGC Bulletins 2006-1 and 2009-1, approve or delegate the authority to approve (1) all U. T. Systemwide Exceptions and (2) each U. T. System Administration Exception. The president of a U. T. System institution must, in accordance with OGC Bulletins 2006-1 and 2009-1, approve or delegate the authority to approve each U. T. System Institution Exception.

Sec. 4 Other Responsibilities.

4.1 OGC Bulletins.

(a) Drafting/Revision of OGC Bulletins. Drafting/Revision of OGC Bulletins 2006-1 and 2009-1 is performed by the U. T. System Office of Business Affairs, the U. T. System Office of General Counsel, and the U. T. System Chief Information Officer.

(b) Approval of OGC Bulletins. The U. T. System Executive Vice Chancellor for Business Affairs and the U. T. System Vice Chancellor and General Counsel must approve OGC Bulletins 2006-1 and 2009-1.

(c) Compliance with OGC Bulletins. The U. T. System Office of Business Affairs is responsible for ensuring compliance with OGC Bulletins 2006-1 and 2009-1 when U. T. System Administration procures, develops, maintains, or uses EIRs. The chief business officer of a U. T. System institution is responsible for ensuring compliance with OGC Bulletins 2006-1 and 2009-1 when that U. T. System institution procures, develops, maintains, or uses EIRs.

4.2 Chancellor of the U. T. System. Ensures that all appropriate U. T. System Administration staff receives training necessary to meet all accessibility-related rules.

4.3 U. T. System Institution President. Ensures that all appropriate staff at the U. T. System institution receives training necessary to meet all accessibility-related rules.

- 4.4 U. T. System Office of Business Affairs. Ensures compliance with OGC Bulletins 2006-1 and 2009-1 when U. T. System Administration procures or develops EIRs.
- 4.5 U. T. System Institution Chief Business Officer. Ensures compliance with OGC Bulletins 2006-1 and 2009-1 when the U. T. System institution procures or develops EIRs.
- 4.6 U. T. System Office of General Counsel, U. T. System Institution Legal Office. Provide legal assistance with DIR Accessibility Rules.
- 4.7 U. T. System Administration Office of Technology and Information Services, U. T. System Institution Office of Information Technology. Provide technical assistance with DIR Accessibility Rules.
- 4.8 U. T. System Administration Accessibility Coordinator.
 - (a) Develops, supports, and maintains U. T. System Administration's internal accessibility policy (including management of (a) all EIR accessibility plans and reports that U. T. System Administration is required to provide, and (b) the provision of EIR accessibility training at U. T. System Administration).
 - (b) Provides assistance to U. T. System Administration offices with the DIR Accessibility Rules.
- 4.9 U. T. System Institution Accessibility Coordinator.
 - (a) Develops, supports, and maintains the U. T. System institution's internal accessibility policy (including management of (a) all EIR accessibility plans and reports that the U. T. System institution is required to provide, and (b) the provision of EIR accessibility training at the U. T. System institution).
 - (b) Provides assistance to offices at the U. T. System institution with DIR Accessibility Rules.

3. Definitions

DIR Accessibility Rules - Title 1, Chapter 206, Rule §206.70 of the *Texas Administrative Code* and in Title 1, Chapter 213 of the *Texas Administrative Code*.

Electronic and Information Resources (EIRs) - defined by statute and rule to include, but not be limited to

- information resources and any equipment or interconnected system or subsystem of equipment that is used in
 - ▶ the creation, conversion, duplication, or delivery of information resources, or
 - ▶ the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information;
- computers (including desktop and laptop computers), ancillary equipment, desktop software, client-server software, mainframe software, Web application software and other types of software, firmware and similar procedures, services (including support services), and related resources;
- telephones and other telecommunications products;
- information kiosks;
- transaction machines;
- Internet websites - please note that such websites include, but are not limited to, "State Web Sites", defined as websites that are owned, operated by or for, or funded by a Texas institution of higher education, and including both
 - ▶ the home page (the initial page or entry point to a State Web Site), and
 - ▶ any key public entry points (i.e., web pages that are specifically designed for members of the general public to access official information, including the governing or authoritative documents, from the institution of higher education);
- multimedia resources;
- office equipment, including copy machines and fax machines;
- electronic and information resource services provided through hosted or managed services contracts;
- any of the above EIRs that are developed, procured, or changed by a contractor of a State agency or an institution of higher education, if the contract either requires the use of such EIRs or requires the contractor to

use such EIRs, to a significant extent, in performing a service or furnishing a product;

- any information technology acquired by a contractor or grantee incidental to a contract or grant if the technology becomes State property upon the completion of the contract or grant.

However, electronic and information resources do not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The following are examples of such equipment:

- HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices; and
- medical equipment where information technology is integral to its operation.

(Sources: Section 2054.451 of the *Texas Government Code*; Subsections (14), (18), and (25) in Title 1, Rule §206.1 of the *Texas Administrative Code*; Subsections (6) and (10) in Title 1, Rule §213.1 of the *Texas Administrative Code*; Subsection (b) in Title 1, Rule §213.38 of the *Texas Administrative Code*.)

U. T. System Administration Exception - a significant difficulty or expense exception to the DIR Accessibility Rules that is applicable to the procurement or development of a specific EIR by U. T. System Administration.

U. T. System Institution Exception - a significant difficulty or expense exception to the DIR Accessibility Rules that is applicable to the procurement or development of a specific EIR by a U. T. System institution.

U. T. Systemwide Exceptions - significant difficulty or expense exceptions to compliance with the DIR Accessibility Rules when procuring or developing EIRs that are established for use by U. T. System Administration and all of the U. T. System institutions and documented in OGC Bulletins 2006-1 and 2009-1.

4. Relevant Federal and State Statutes

[Section 508 of the federal Rehabilitation Act \(codified at 29 U.S.C. § 794d\)](#)

[Code of Federal Regulations, Title 36, Part 1194 - Electronic and Information Technology Accessibility Standards](#)

www.Section508.gov website

[Texas Government Code, Chapter 2054, Subchapter M, Access to Electronic and Information Resources by Individuals with Disabilities](#)

[Title 1, Chapter 206, Rule §206.70 of the Texas Administrative Code](#)

[Title 1, Chapter 213 of the Texas Administrative Code](#)

5. Relevant System Policies, Procedures, and Forms

OGC Bulletin 2006-1, "Access by Persons with Disabilities to Electronic and Information Resources Procured by The University of Texas System Administration and The University of Texas System Institutions"

OGC Bulletin 2009-1, "Access by Persons with Disabilities to Electronic and Information Resources Developed by The University of Texas System Administration and The University of Texas System Institutions"

6. Who Should Know

All U. T. System and U. T. System institution employees that create, procure, maintain, or use EIRs

7. System Administration Office(s) Responsible for Policy

Office of Business Affairs
Office of Employee Services, Accessibility Coordinator
Office of General Counsel
Office of Technology and Information Services

8. Dates Approved or Amended

October 17, 2006
July 10, 2009
June 14, 2011

9. Contact Information

Questions or comments about this policy should be directed to:

- bor@utsystem.edu