



UT System Administration Policy Library – Policy UTS150

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

Responsible Officer: Information Resource Manager, Director of the Office of Technology and Information Services

Sponsoring Office: System-wide Information Services and Office of Technology and Information Services

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Errors or changes to: policyoffice@utsystem.edu

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POLICY STATEMENT

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” (or “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.

UT System Administration and all UT institutions must comply with the DIR Accessibility Rules when developing, procuring, maintaining, or using EIRs. When procuring EIRs, UT System Administration and all UT institutions will comply with this policy and with the procedures set forth in 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, UT System Administration and all UT 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.”

The Chancellor must approve (1) all UT System-Wide Exceptions and (2) each UT System Administration Exception.

The President of a UT institution must approve each UT Institution Exception.

RATIONALE

Section 2054.454 of the *Texas Government Code* and Title 1, Rule §213.37 (a) 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 UT System Administration and all UT institutions are to comply with the DIR Accessibility Rules.

Section 2054.460 of the *Texas Government Code* and Title 1, Rule §213.37 (a) 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 UT institution.

SCOPE

All institutions and UT System Administration

WEBSITE ADDRESS FOR THIS POLICY

<http://www.utsystem.edu/policy/policies/uts150.html>

RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

UT System Administration Policies & Standards	Other Policies & Standards; Statutes & Regulations; Texas Statutes and Rules
<ul style="list-style-type: none">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.”	<ul style="list-style-type: none">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 Standardswww.Section508.gov websiteTexas 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.

CONTACTS

UTS150 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

If you have any questions about UT System Administration policy UTS 150, *EIR Accessibility*, contact the following office(s):

Subject	Office Name	Telephone	Email/URL
Policy Clarification	UT System Administration Policy Office	512-499-4744	policyoffice@utsystem.edu
	UT System Office of Business Affairs	512-499-4560	http://www.utsystem.edu/BUS/contact.htm
	UT System Office of the Chief Information Officer	512-499-4593	
	UT System Office of General Counsel	512-499-4462	http://www.utsystem.edu/ogc/
	UT System / UT Institution Accessibility Coordinator		
Technical Assistance	UT System Administration Office of Technology and Information Services	512-499-4567	http://www.utsystem.edu/otis/
	UT System Administration Office of Communication	512-499-4363	http://www.utsystem.edu/comm
	UT Institution Office of Information Technology		
Legal Assistance	UT System Office of General Counsel	512-499-4462	http://www.utsystem.edu/ogc/
	UT Institution Legal Office		

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:

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- 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 web sites 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*.)

UT 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 UT institution.

UT 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 UT System Administration.

UT System-Wide Exceptions

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

RESPONSIBILITIES

Chancellor of The University of Texas System

- Approves all UT System-Wide Exceptions.
- Approves or delegates authority to approve each UT System Administration Exception in accordance with OGC Bulletins 2006-1 and 2009-1.
- Ensures that all appropriate UT System Administration staff receives training necessary to meet all accessibility-related rules.

UT Institution President

- Approves or delegates authority to approve each UT Institution Exception for his or her UT institution in accordance with OGC Bulletins 2006-1 and 2009-1.
- Ensures that all appropriate staff receives at the UT institution receives training necessary to meet all accessibility-related rules.

UT System Vice Chancellor and General Counsel

- Approval of OGC Bulletins 2006-1 and 2009-1 (with UT System Executive Vice Chancellor for Business Affairs.)

UT System Executive Vice Chancellor for Business Affairs

- Approval of OGC Bulletins 2006-1 and 2009-1 (with UT System Vice Chancellor and General Counsel.)

UT System Office of Business Affairs

- Participates in Drafting/Revision of OGC Bulletins 2006-1 and 2009-1.
- Ensures compliance with OGC Bulletins 2006-1 and 2009-1 when UT System Administration procures or develops EIRs.

UT Institution Chief Business Officer

- Ensures compliance with OGC Bulletins 2006-1 and 2009-1 when the UT Institution procures or develops EIRs.

UT System Office of General Counsel

- Participates in Drafting/Revision of OGC Bulletins 2006-1 and 2009-1.
- Provides legal assistance with DIR Accessibility Rules.

UT Institution Legal Office

- Provides legal assistance with DIR Accessibility Rules.

UT System Office of the Chief Information Officer

- Participates in Drafting/Revision of OGC Bulletins 2006-1 and 2009-1.

UT System Administration Office of Technology and Information Services

- Provides technical assistance with DIR Accessibility Rules.

UT Institution Office of Information Technology

- Provides technical assistance with DIR Accessibility Rules.

UT System Administration Accessibility Coordinator

- Develops, supports, and maintains UT System Administration's internal accessibility policy (including management of (a) all EIR accessibility plans and reports that UT System Administration is required to provide and (b) the provision of EIR accessibility training at UT System Administration.)
- Provides assistance to UT System Administration offices with the DIR Accessibility Rules.

UT Institution Accessibility Coordinator

- Develops, supports, and maintains the UT institution's internal accessibility policy (including management of (a) all EIR accessibility plans and reports that the UT institution is required to provide and (b) the provision of EIR accessibility training at the UT institution.)

- Provides assistance to offices at the UT institution with DIR Accessibility Rules.

PROCEDURES

1. Drafting/Revision of OGC Bulletins 2006-1 and 2009-1 done by UT System Office of Business Affairs, Office of General Counsel, and Office of the Chief Information Officer.
2. Approval of UT System-Wide Exceptions by Chancellor of the University of Texas System.
3. Approval of OGC Bulletins 2006-1 and 2009-1 by UT System EVC for Business Affairs and UT System Vice Chancellor and General Counsel.
4. UT System Office of Business Affairs (UT System Administration EIR procurement or development) and UT Institution Chief Business Officers (UT Institution EIR procurement or development) ensure compliance with OGC Bulletins 2006-1 and 2009-1 when procuring or developing EIRs.
5. Approval of UT System Administration Exceptions by Chancellor of UT System.
6. Approval of UT Institutions Exceptions by UT Institution President.

FORMS AND TOOLS/ONLINE PROCESSES

None

APPENDIX

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.”

Keywords: access, accessibility, electronic information resources, computer, computers, technology, internet, web, internet usage
