5.1.2 IT Accessibility

Chapter 5 - Information Management	Original Effective Date: February 2022
Section: 5.1 Information Management & Services	Date Last Reviewed:
Responsible Entity: Vice President and Chief Information Officer	Date Last Revised:

I. Purpose

The University of Texas Health Science Center at San Antonio (hereafter, "UT Health San Antonio" or "the University") acknowledges its obligation to assure that all information technologies (IT) or electronic and information resources (EIRs) it uses, and provides for use by its employees, students, patients and community, satisfy all applicable legal and regulatory requirements for accessibility by persons with disabilities and special needs. Although different applicable laws, regulations and policies may vary in their specific legal and technical requirements, the University has established a single set of compliant standards and processes for IT/EIR accessibility that reflects a commitment to universally accessible design, and promote good-faith efforts to support the letter and spirit of these and other applicable policies.

II. Scope

This policy applies to EIRs that are developed, procured, maintained, changed or used by UT Health San Antonio, but also includes EIRs developed, procured, or materially changed by contractors under a contract with UT Health San Antonio which requires the use of such EIRs, or requires the use, to a significant extent, of such EIRs in the performance of a service or the furnishing of a product. (1 TAC §213.38)

III. Policy

Texas Government Code, Chapter 2054, Subchapter M authorizes the Texas Department of Information Resources (DIR) to adopt rules (DIR Accessibility Rules) concerning how Texas state institutions of higher education (IHEs) are to develop, procure, maintain, and use electronic and information resources (EIRs) to provide access to individuals with disabilities and special needs. The DIR Accessibility Rules that are applicable to Texas IHEs are set forth in 1 TAC §206, Subchapter C, and 1 TAC §213, Subchapter C, of the Texas Administrative Code. As a UT System institution, UT Health San Antonio is also subject to UT System policy UTS 150, "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."

In addition to Texas Department of Information Resources (DIR) Accessibility Rules, some programs at UT Health San Antonio may also be governed by other regulations that have their own EIR accessibility requirements, including but not limited to Section 1557 of the Patient Protection and Affordable Care Act of 2010, Sections 504 and/or 508 of the Rehabilitation Act of 1973, and Title I, Title II, and/or Title III of the Americans with Disabilities Act.

While the intent of this policy is to establish a set of University standards, University departments should be prepared to fulfill relevant accessibility requirements of applicable funding and regulatory agencies in addition to the standards of this policy.

A. Requirements

The DIR Accessibility Rules identify technical standards by which Accessibility can be measured for different types of EIR. Those categories and the respective standards that will apply at UT Health San Antonio are set out below.

1. Websites (1 TAC §206.70)

   UT Health San Antonio's standards for web accessibility are described in the Institutional Handbook of Operating Policies (IHOP) 5.9.4, Web Accessibility. In summary, all newly-developed, changed or updated University websites and web applications must fulfill the success criteria of Web Content Accessibility Guidelines (WCAG) 2.0 Guideline 1.2 (Time-Based Media) at level A, and fulfill all other WCAG 2.0 success criteria at level AA. Other requirements also apply; please refer to IHOP 5.9.4 for full details.

2. Software Applications and Operating Systems (1 TAC §213.30)

   All software applications and operating systems EIR developed, procured, or changed by UT Health San Antonio shall comply with the following standards referenced in Section 508 Appendix C:

   a. Chapter 7, § 702.10 (WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media);

   b. Chapter 5, § 502 Interoperability with Assistive Technology;

   c. Chapter 5, § 503 Applications; and

   d. Chapter 5, § 504 Authoring Tools.

3. Telecommunications Products (1 TAC §213.31)

   When purchasing telecommunication equipment or services, UT Health San Antonio shall contractually require the manufacturer of telecommunication equipment or provider of telecommunication services to ensure that the equipment or services are in compliance with 47 U.S.C. §255 and 36 C.F.R. §1194.2, Appendix B, when such products are readily available or compliance is achievable.

4. Video and Multimedia Products (1 TAC §213.32)

All video and multimedia EIR developed, procured or changed by UT Health San Antonio shall comply with the standards referenced in Section 508 Appendix C.

UT Health San Antonio will address requests for accommodation of a webcast of a live/real time open meeting (Open Meetings Act, Texas Government Code, Chapter 551), or of training and informational video productions which support the institution's mission, or other videos posted its website, in accordance with IHOP 5.9.4, section I.C.1, which requires conformance with WCAG 2.0 Guideline 1.2 at Level A.

5. Hardware (1 TAC §213.33)

All hardware EIR developed, procured, or changed by UT Health San Antonio shall comply with the following standards referenced in Section 508 Appendix C Chapter 4:

a. Chapter 4, § 401 General;

b. Chapter 4, § 402 Closed Functionality;

c. Chapter 4, § 403 Biometrics;

d. Chapter 4, § 404 Preservation of Information Provided for Accessibility;

e. Chapter 4, § 405 Privacy;

f. Chapter 4, § 406 Standard Connections;

g. Chapter 4, § 407 Operable Parts;

h. Chapter 4, § 408 Display Screens;

i. Chapter 4, § 409 Status Indicators;

j. Chapter 4, § 410 Color Coding;

k. Chapter 4, § 411 Audible Signals;

l. Chapter 4, § 412 ICT with Two-Way Communication;

m. Chapter 4, § 413 Closed Caption Processing Technologies;

n. Chapter 4, § 414 Audio Description Processing Technologies;

o. Chapter 4, § 415 User Controls for Captions and Audio Descriptions.

When EIR hardware is located in maintenance or monitoring spaces, and where status indicators and operable parts are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to the requirements of this section.

6. Functional Performance Criteria for all EIR (1 TAC §213.35)

To the extent that any EIR developed, procured or changed by UT Health San Antonio does not comply with the requirements of 1 Texas Administrative Code §213.30 - 213.33 that are applicable to that EIR, the noncompliant features of that

EIR shall conform to the standards referenced in <u>Section 508 Appendix C, Chapter 3, §302 Functional Performance Criteria</u>.

7. Documentation and Support Services (1 TAC §213.36)

   All documentation and services that support the use of EIR developed, procured, or changed by UT Health San Antonio shall comply with the following standards referenced in <u>Section 508 Appendix C, Chapter 6</u>:

   a. Chapter 6, § 602 Support Documentation; and

   b. Chapter 6, § 603 Support Services.

B. Procurement or Development of accessible EIRs

1. Process Requirements

   a. In all EIR procurements, UT Health San Antonio will follow the process and requirements described in the most recent revision of <u>UT System OGC Bulletin 2006-1</u> [note: that link requires a UT login, as the material is for internal use only] and <u>1 TAC §213.38</u>. Appendix A to this policy presents a flowchart summary of the procurement process of OGC Bulletin 2006-1; please refer to the Bulletin for full process details.

   b. When developing EIRs, UT Health San Antonio will follow the process and requirements described in the most recent revision of <u>UT System OGC Bulletin 2009-1</u> [note: that link requires a UT login, as the material is for internal use only]. Appendix B to this policy presents a flowchart summary of the procurement process of OGC Bulletin 2009-1; please refer to the Bulletin for full process details.

2. Exception Requirements

   When documenting exceptions from DIR Accessibility Rules for specific EIR procurements or development projects, UT Health San Antonio will include the following required elements:

   a. Expiration date or duration of the exception,

   b. Plan for providing an alternative means of access to the EIR for persons with disabilities,

   c. Justification for the exception, including technical barriers, remediation cost, fiscal impact for achieving compliance, and other identified risks, and

   d. Documentation of how UT Health San Antonio has considered all available resources, including agency budget, grants, and alternative vendor or product selections.

   The final decision to apply the exception must be made by, and the written documentation submitted to and approved by, the University President, or an official of the University to whom the President has delegated that authority according to the requirements of <u>Rule 10501 of the UT System Board of Regents' Rules and Regulations</u>.

That final decision must be made prior to the procurement, completion, use, or deployment of the EIR, or at the point the barrier is identified, if a contractor is unable to immediately remedy the failure to comply with DIR Accessibility Rules.

3. Testing Requirements

   a. Proactive accessibility testing of EIRs is important, not only to validate the documentation provided by a vendor or developer, but to ensure everyone in our University community continues to have equal access to the functionality and information they look to the University to provide.

   b. At a minimum, to comply with DIR Accessibility Rules, UT Health San Antonio will perform accessibility testing (or engage a third party to do so) for all EIR procurements or development projects for which costs exceed $500,000 and which meet one or more of the following conditions:

      i. Requires one year or longer to reach operations status,

      ii. Involves a collaboration between UT Health San Antonio and one or more additional institutions of higher education or state agencies, or

      iii. Substantially alters work methods of UT Health San Antonio personnel or delivery of services to clients.

C. Implementation and maintenance

   1. EIR Accessibility Coordinator

      a. As directed by OGC Bulletin 2006-1, OGC Bulletin 2009-1, UTS 150, and 1 TAC §213.41(d), UT Health San Antonio shall designate an EIR Accessibility Coordinator (Coordinator) who shall be organizationally placed to facilitate institution-wide EIR accessibility compliance and practices in support of this Policy. This designation will be kept updated with the Texas Department of Information Resources as described on the Department's website. UT Health San Antonio will inform the DIR within 30 days whenever its Coordinator position is vacant, or a new/replacement Coordinator is designated.

      b. The Coordinator is responsible for:

         i. developing, supporting, and maintaining UT Health San Antonio's EIR accessibility policies.

         ii. providing assistance to offices at UT Health San Antonio with understanding, implementation and conformance with the DIR Accessibility Rules and other accessibility practices.

         iii. ensuring required compliance by UT Health San Antonio with all DIR standard operating procedures or corrective action plans.

         iv. coordinating the completion of required DIR EIR accessibility surveys and reports regarding progress and compliance with the DIR Accessibility Rules on behalf of the University

        v.   coordinating with UT system and EIR Accessibility Coordinators at other UT Institutions to ensure consistent implementation of EIR Accessibility compliance efforts at UT Health San Antonio.

2. Accessibility Compliance Plan

    a. UT Health San Antonio will establish, approve and publish an Accessibility Compliance Plan to achieve compliance with the DIR Accessibility Rules, including progress measurement toward meeting established goals.

    b. UT Health San Antonio will provide training to appropriate staff members to conform with the DIR Accessibility Rules and ensure the University's EIRs are as accessible as possible to all users. Additionally, the University will consider including accessibility criteria in job descriptions for any positions in which EIR Accessibility may be applicable.

    c. UT Health San Antonio will establish an Accessibility Coordination Team for EIR Remediation (ACTER). UT Health San Antonio will provide the ACTER with the authority and resources necessary for the ACTER to develop and implement policies, procedures, and reporting necessary to implement the EIR Accessibility Compliance Plan at UT Health San Antonio. UT Health San Antonio's ACTER (UTHSA-ACTER) must include at a minimum the University's EIR Accessibility Coordinator as well as representatives from Information Management & Services and the Institutional Compliance and Privacy Office.

    d. The UTHSA-ACTER will design and implement a process by which each UT Health San Antonio organizational unit will collect and provide the UTHSA-ACTER with written reports identifying the EIRs for which the unit is responsible and that are subject to the DIR Accessibility Rules.

    e. The UTHSA-ACTER will work with each organizational unit to identify EIRs out of compliance with the DIR Accessibility Rules and develop Corrective Action Plans (CAPs) to remediate non-compliant issues. Each unit is responsible for implementing its CAP and reporting completion to the UTHSA-ACTER.

    f. The Coordinator will report to the Institutional Compliance and Privacy Office twice a year regarding the status of UTHSA-ACTER's efforts to implement the EIR Accessibility Compliance Plan.

IV. Definitions

When used in this document with initial capital letter(s), the following words have the meaning set forth below unless a different meaning is required by context.

<u>Electronic and Information Resources (EIRs)</u> –Texas code generally uses the term to refer to information technology (IT) including any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, store or deliver data or information. It includes telecommunication products (such as telephones), information kiosks and transaction machines, web sites, multimedia and office equipment such as copiers and fax machines.

The term does not include 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. For example, thermostats or temperature control devises and medical equipment that contain information technology that is integral to its operation, are not information technology.

If the embedded information technology has an externally available web or computer interface, that interface is considered EIR.

Accessibility – quality of an electronic and information resource (EIR) that permits its use in a variety of ways and that its use does not depend on a single sense or ability [*as defined by the DIR Accessibility Rules*].

V. Related References

IHOP 5.9.4, Web Accessibility

UT System policy UTS 150, "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."

UT System 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."

UT System 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."

Texas Government Code, Chapter 2054, Subchapter M, "Access to Electronic and Information Resources by Individuals with Disabilities."

Texas Administrative Code, Rule §206.70, "Institution of Higher Education Websites: Accessibility."

Texas Administrative Code, Chapter 213, Subchapter C, "Accessibility Standards for Institutions of Higher Education."

Section 1557 of the Patient Protection and Affordable Care Act of 2010.

Sections 504 and/or 508 of the Rehabilitation Act of 1973.

Title I, Title II, and Title III of the Americans with Disabilities Act.

VI. Review and Approval History

A. The approving authority of this policy is the University Executive Committee.

B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

Effective Date	Action Taken	Approved By	Date Approved
02/2022	Policy Origination	Executive Committee	02/23/22