

## 29.01.04 Accessibility of Electronic and Information Resources

Approved November 25, 2009

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### Regulation Statement

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The use of electronic and information resources (EIR) supports the overall operation and mission of The Texas A&M University System (system). Ensuring such resources are accessible to all authorized users is not only good practice, but also critical to the success of the system. In addition, it is required by state and federal laws. This regulation is designed to ensure that all EIRs developed, procured or changed by the system are accessible.

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### Reason for Regulation

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Any EIR developed, procured or changed by a system member must comply with the Electronic and Information Resources Accessibility Standards set forth in Title 1, Chapter 213, Subchapter C of the *Texas Administrative Code* (Accessibility Standards for Institutions of Higher Education) and Title 1, Rule §206.70 of the *Texas Administrative Code* (Accessibility and Usability of Institution of Higher Education Web Sites).

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### Procedures and Responsibilities

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1. Any EIR developed, procured or changed by a system member must comply with:
  - a. The appropriate Technical Accessibility Standards (see table below);
  - b. The “Functional Performance Criteria” described in Title 1, Rule §213.35 of the *Texas Administrative Code*; and
  - c. The “Information, Documentation, and Support Requirements” described in Title 1, Rule §213.36 of the *Texas Administrative Code*.

<b>EIR Category</b>	<b>Technical Accessibility Standards</b>
Software Applications and Operating Systems	<a href="#">Title 1, Rule §213.30</a> of the <i>Texas Administrative Code</i>
Web Sites	<a href="#">Title 1, Rule §206.70</a> of the <i>Texas Administrative Code</i> <a href="#">Title 1, Rule §213.30</a> of the <i>Texas Administrative Code</i> ; and <a href="#">Title 1, Rule §213.32 (2)</a> of the <i>Texas Administrative Code</i>
Telecommunications Products	<a href="#">Title 1, Rule §213.31</a> of the <i>Texas Administrative Code</i>
Video and Multimedia Products	<a href="#">Title 1, Rule §213.32</a> of the <i>Texas Administrative Code</i>
Self Contained, Closed Products	<a href="#">Title 1, Rule §213.33</a> of the <i>Texas Administrative Code</i>
Desktop and Portable Computers	<a href="#">Title 1, Rule §213.34</a> of the <i>Texas Administrative Code</i>

2. Each system member chief information officer (CIO) or designee shall develop and publish accessibility procedures which include the standards and specifications of Title 1, Chapter 213, Subchapter C and Title 1, Rule §206.70 of the *Texas Administrative Code*.
  - 2.1 The accessibility procedures shall include a plan by which all EIRs that are subject to the Technical Accessibility Standards will be brought into compliance with the specifications and standards of Title 1, Chapter 213, Subchapter C and Title 1, Rule §206.70 of the *Texas Administrative Code*.
  - 2.2 The accessibility procedures shall include standards and processes for handling exception requests, in accordance with Title 1, Rule §213.37 and Texas Government Code §2054.460.
  - 2.3 Each system member CIO or designee shall appoint an accessibility coordinator to develop, implement, support and maintain the accessibility procedures. In the absence of this appointment, the system member CIO will serve in this capacity.
3. If compliance with a provision of Title 1, Chapter 213, Subchapter C or Title 1, Rule §206.70 of the *Texas Administrative Code* cannot be achieved (e.g., compliance would impose a significant difficulty or expense), an exception request must be submitted to the system member chief executive officer (CEO) or chancellor or designee for each EIR development or procurement, including outsourced development, which does not comply.
  - 3.1 An approved exception shall be documented and include the following:
    - a. A date of expiration;
    - b. A plan for alternate means of access for persons with disabilities;
    - c. Justification for the exception including relevant cost avoidance estimates; and
    - d. Signature of the system member CEO or chancellor or designee.

- 3.2 Each system member shall maintain records of exception requests according to their internal accessibility procedures.
4. Each system member chief financial officer (CFO) or designee shall develop and document an EIR procurement procedure for use within their procurement function whenever a contract or other acquisition document requires a vendor to:
- a. Provide an EIR to a system member for use;
  - b. Develop an EIR for a system member;
  - c. Change an EIR for system member use; or
  - d. Provide and use an EIR to a significant extent in performing the services or furnishing the products identified in that contract.
- 4.1 The procedure shall include a process for handling exception requests which complies with the standards and specifications of Title 1, Rule §213.37 of the *Texas Administrative Code* (Compliance Exceptions and Exemptions).
- 4.2 The system member CFO or designee shall make certain the procedure ensures all appropriate terms and conditions needed to meet accessibility requirements are addressed in EIR acquisition documents and contracts.
- 4.3 The system member CFO or designee and the CIO or designee shall periodically jointly review the procedure to ensure it addresses current laws and Technical Accessibility Standards, and that its provisions are technically appropriate.

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## **Related Statutes, Policies, or Requirements**

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[Texas Government Code, Chapter 2054, Subchapter M](#)

[Texas Administrative Code, Title 1, Chapter 213, Subchapter C \(Accessibility Standards for Institutions of Higher Education\)](#)

[Texas Administrative Code, Title 1, Chapter 206, Subchapter C, Rule §206.70 \(Accessibility and Usability of Institution of Higher Education Web Sites\)](#)

[Section 508 Technical Standards \(Workforce Rehabilitation Act\):](#)

[BuyAccessible.gov](#)

[Voluntary Product Accessibility Template](#)

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## **Definitions**

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The following definitions shall be used in procedures implementing this regulation.

Accessible – designed to support access that does not depend on a single sense or ability and can be used in a variety of ways.

Electronic and Information Resources (EIR) – includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, duplication, or delivery of data or information. The term EIR includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, 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, is not information technology.

Note: EIRs are not limited to computer hardware or software, but also include services performed on such hardware and software (such as maintenance services). EIRs also include electronic subscription services, such as databases available via Internet websites. Furthermore, EIRs aren't limited to those that are directly developed, procured, maintained, or used by a system member, but also include EIRs used by a contractor of a system member, 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.

Exception – a justified, documented non-conformance with one or more standards or specifications of Chapter 206 and/or Chapter 213, which has been approved by the system member CEO or chancellor or designee of an institution of higher education.

Information Technology (as used in the EIR definition) – any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term includes 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.

Product – electronic and information technology.

Self Contained, Closed Products – products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks in information transaction machines, copiers, printers, calculators, fax machines, and other similar products.

Technical Accessibility Standards – accessibility standards for EIRs set forth in Title 1, Chapter 213, Subchapter C and Title 1, Rule §206.70, Subchapter C of the *Texas Administrative Code*.

Telecommunications – the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

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## **Contact Office**

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