



FERRIS STATE UNIVERSITY

BUSINESS POLICY

Use of Electronic and Information Technology Accessibility Policy

Effective Date: November 16, 2017

Policy Number: 2018:04

Policy Owner: EIT Accessibility Coordinator

Supersedes: NEW

SCOPE

Ferris State University is obligated by state, federal and local laws to provide an environment that is accessible to all constituencies and is committed to providing reasonable accommodations for any Electronic Content that does not meet the accessibility laws and regulations that govern the institution. Accessibility also is inherent in all of Ferris' core values of collaboration, diversity, ethical community, excellence, learning and opportunity. This policy applies to all Ferris State University Electronic and Information Technology (EIT) that is procured, developed, maintained or used by Ferris State University, or third parties, including, but 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. More specifically, Electronic Content, includes, but is not limited to, content that is public facing; content that is broadly disseminated within Ferris State University; public-facing emergency notifications; formal acknowledgements throughout the admissions process and ongoing student records; videos and other multimedia; and any public educational and training materials.

POLICY STATEMENT

Ferris State University has identified WCAG 2.0 Level AA as its target Accessibility Standard. Unless qualifying for an Exception as defined below, as of the effective date of this policy, all new and revised EIT, video, multimedia and television programming published, purchased or controlled by Ferris State University must conform to WCAG Level 2.0 AA Accessibility Standards. The highest priority will be given to EIT that is required for academic participation, disability-related student services or other core materials as defined by Ferris State University's EIT Accessibility Coordinator.

All web pages hosted on ferris.edu or third-party sites published by any college, department, program, or unit must be in compliance with this policy. Employees of Ferris State University, vendors, consultants or individuals working either directly or indirectly on behalf of Ferris State University shall comply with this policy.

All video and multimedia developed, procured, maintained, or used by Ferris State University must be captioned to ensure accessibility for end users. This includes any video or multimedia hosted on a Ferris State site or within any learning management platform utilized by the University. Live streamed video also must provide closed captioning in accordance with the current Century Communications and Video Accessibility Act (CVAA) requirements. Captions should include speaker identifications and "sound effects"/audio cues where appropriate.

Videos posted since August 29, 2016 must be captioned in accordance with the CVAA requirements that went into effect on July 1, 2017. Those requirements state that live or nearly live footage must be captioned within 12 hours of airing. This includes content posted on YouTube and social media channels (Facebook, Twitter, etc.). Videos created and posted prior to August 29, 2016 are considered archival material and are considered exempt from the captioning requirements.

Top priority for captioning should be placed on videos that are produced from the effective date of this Business Policy; it is then required that all videos affected by this policy from August 29, 2016 forward be captioned per the priority of their usage based on web analytics and user “hits” or visits.

NOTE: The auto-captioning offered via YouTube is not sufficient to meet this requirement.

COMPLIANCE

EIT published or controlled by Ferris State University either internally or to the public will comply with federal, state and local laws, institutional policies, and contractual obligations. Ferris State University has obligations under the following regulations/laws:

- Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended,
- Section 504 of the Rehabilitation Act
- Section 508 of the Rehabilitation Act
- The 21st Century Communications and Video Accessibility Act
- <https://sites.ed.gov/idea/>

All Ferris State University department heads as guided by the Ferris State University EIT Accessibility Coordinator will institute procedures to inform authors, developers, publishers, and procurers about applicable laws, policies and contractual obligations. The EIT Accessibility Coordinator, in collaboration with other University partners, will provide annual training for faculty, staff and student employees responsible for creating or distributing information with online content to students, employees, guests and visitors with disabilities, including, but not limited to, training on this policy and their roles and responsibilities to ensure that web design, documents and multimedia content are accessible.

The EIT Accessibility Coordinator will direct regular audits of University websites to ensure that content provided is measured against the technical standard(s) adopted in this policy.

Ferris State University reserves the right to remove or suspend distribution of EIT found to be in nonconformance with this policy.

REPORTING VIOLATIONS

Students, prospective students, employees, guests and visitors can report violations of the technical standard(s) used by the University by filing a formal complaint through the Section 504 and Title II grievance procedure, and/or by contacting the EIT Accessibility Coordinator with any accessibility concerns.

EXCEPTIONS

Where conformance with this policy is not possible, exceptions to this policy (see Appendix B) may be granted by Ferris State University. Requests for exceptions must be documented and submitted to the Ferris State University EIT Accessibility Coordinator.

THIRD PARTY PROCUREMENT EVALUATION AND MONITORING

If procuring EIT from a third party, please refer to the Appendix A for details regarding the evaluation and monitoring processes for third parties as well as for recommended contract language to be used when procuring services from third parties after the effective date of this policy.

POLICY NOTIFICATIONS

This policy will be communicated to and is binding to all Ferris State University faculty and staff and to external vendors, consultants and contractors who develop EIT for Ferris State University. See Appendix C for Accessibility Compliance Clauses to add to the Procurement Contract Template.

DEFINITIONS

For purposes of this policy the following terms shall have the indicated meanings:

- "Accessibility" means "the degree to which an environment, service, or product allows access by as many people as possible, in particular, people with disabilities."
- "Accessibility Standards" means conventions, norms or requirements intended to provide access to an environment, product, or service, particularly by people with disabilities. The principle of accessibility may be mandated in law, and then specified in detail according to regulations, standards, or codes.
- "Alternative Formats" means information presented in Braille, in large print, via audio recording, or in an electronic format that can be accessed by people with disabilities. The Alternative Format must make the same content available and provide an equivalent level of access to the content by people with disabilities that is available to others in the original document. Each Alternative Format may have regulations or standards that apply to its creation.
- Captioning – displaying the audio portion of an online video or television program as text on the screen. Captions should include speaker identifications and “sound effects”/audio cues, where appropriate.
- Constituents – means any person that is either a staff or faculty member of Ferris State University, alumni of the University, donors to Ferris State University, prospective students and current students.
- "Departments and Units" includes departments, schools, colleges, units, divisions, or other agencies under the authority or receiving funding from the Board of Trustees.
- Electronic and Information Technology (“EIT”) – information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology 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.
- "Electronic Content" shall include, but is not limited to:
 - Content that is public facing;

- Content that is broadly disseminated within Ferris State University;
- Public-Facing emergency notifications;
- Formal acknowledgements throughout the admissions process and ongoing student records;
- Videos and other multimedia; and
- Any public educational and training materials.
- Electronic Content shall not include:
 - Archival copies stored or retained solely for archival purposes to preserve an exact image of a hard copy; or
 - Documents that are public facing but are intended for limited internal distribution.
- "Level A" refers to the minimum level of conformance that a website must satisfy in terms of the WCAG guidelines, or a Level A conforming alternate version is provided.
- "Level AA" refers to the intermediate level of conformance that a website must satisfy having met all of the Level A and Level AA success criteria in terms of the WCAG guidelines, or a Level AA conforming alternate version is provided.
- "GPAT" – Government Product Accessibility Template, the purpose of which is to assist procurement personnel in making preliminary assessments regarding the availability of EIT products and services with accessibility features. GPATs differ from VPAT in that a GPAT uses a template provided by the GSA (General Services Administration). See also VPAT.
- Multimedia - the integration of multiple forms of media. This includes text, graphics, audio, video, etc.
- "VPAT" – Voluntary Product Accessibility Template, the purpose of which is to assist procurement personnel in making preliminary assessments regarding the availability of EIT products and services with accessibility features. See also GPAT.
- "Undue Burden" is defined by Section 508 as "significant difficulty or expense." Factors to be considered include the overall financial impact involved in the corrective action; insufficient human resources required; geographic separateness of the website or websites in question; the overall financial resources of the university; the overall size of the university or college with respect to the number of its employees; and the number, type, and location of its facilities.
- "Web Content Accessibility Guidelines 2.0" or "WCAG 2.0" refers to the web standard developed by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI).

CONTACT

Ferris State University's EIT Accessibility Coordinator shall be the contact point for EIT accessibility issues. Accessibility issues and Alternative Format requests shall be forwarded to the Ferris State University EIT Accessibility Coordinator. All footers on Ferris State University-owned or controlled web sites, mobile applications, and any other documents required by law, must contain a link to the Ferris State University Accessibility Statement.

Educational Counseling and Disabilities Services
 901 South State Street
 Starr 313
 Big Rapids, Michigan 49307
 (231) 591-3057
ecds@ferris.edu

APPENDIX A

Accessibility Evaluation and Monitoring

APPENDIX B

Exceptions to the EIT Accessibility Policy

APPENDIX C

Accessibility Compliance Clauses to Add to Procurement Contract Template



Appendix A: Accessibility Evaluation and Monitoring

Ferris State University shall obligate its vendors and contractors to conduct periodic audits of EIT acquired by Ferris State University under contract, and provide such reports to Ferris State University upon request.

To meet this requirement, the Ferris State University department that is requesting the acquisition will work with Ferris State University's EIT Accessibility Coordinator, who will determine, validate and document EIT accessibility prior to the procurement process, using the following process:

1. Ferris State University's EIT Accessibility Coordinator must first determine the need by evaluating if the acquisition deliverables include EIT as defined by [Section 508](#) and WCAG 2.0 AA.

If yes, determine what kinds of EIT are included in the system and proceed through the documented process below. (Answers re: types of EIT include:

- a. Software and operating systems, Web, Self-contained Closed Products, Video and Multimedia, Desktop and Portable Computers used in student labs.)
 - b. If no, proceed through Ferris State University's regular purchasing process.
2. Ferris State University's EIT Accessibility Coordinator must next identify the applicable requirements from Section 508 and WCAG 2.0 Level AA that apply to each of the EIT deliverables. Some key questions to consider when making this evaluation are as follows:
 - a. Is the system accessed by government employees or contractors? Students? Faculty?
 - b. Is the system used for only non-routine uses – i.e. for infrequent use such as repair or back office uses?
 - c. Is the system used for academic purposes such as accessing courses, course content, registering for classes, etc.?
 3. Ferris State University's EIT Accessibility Coordinator will then review the accompanying VPAT that is provided by the vendor/third party supplier for the product/service and slot it within the Ferris State University Risk Prioritization Model based on the level of risk exposure. The VPAT categories are as follows:
 - a. Supports -- product/service fully meets the letter and intent of the VPAT criteria.
 - b. Supports with Exceptions -- product/service does not fully meet the letter and intent of the VPAT criteria but provides some level of access to the criteria.
 - c. Supports through equivalent facilitation – an alternative way to meet the intent of the VPAT criteria or when the product/service does not fully meet the intent of the VPAT criteria.

- d. Supports when combined with compatible Accessibility Templates – the product/service fully meets the letter and intent of the VPAT criteria when used in combination with compatible AT.
 - e. Does not support -- product/service does not meet the letter or intent of the VPAT criteria.
 - f. Not applicable -- the VPAT criteria does not apply to the product/service.
 - g. Not applicable -- Fundamental Alteration Exception – a fundamental alteration of the product/service would be required to meet the criteria.
4. Ferris State University’s Chief Technology Officer will review the VPAT slotting decision from step 3 and will determine whether accessibility risk is appropriate for the University to take on for VPAT’s that fall into (insert criteria) VPAT classification.

All approved VPAT’s must be forwarded to Ferris State University’s Purchasing Department by the requesting department as an accompanying backup document.

5. For any VPAT’s outside the criteria defined in step 4, a Ferris State University Accessibility Steering Committee appointed by the EIT Accessibility Coordinator will review the VPAT slotting decision from step 3 and will make a final, binding decision on whether to use the product/service or to decline the procurement due to accessibility conformance risks.



Appendix B: Exceptions to the EIT Accessibility Policy

Exceptions to this policy may be granted in the following scenarios:

- "Archival materials" -- Videos created and posted prior to August 29, 2016 are considered archival material and are considered exempt from the captioning requirements.
- "Undue Burden" – Conformance with this policy may be waived if it would impose an Undue Burden on Ferris State University, as defined on page 4.
- "Fundamental alteration" – When making a portion of the EIT compliant would require a fundamental system change which would materially impact its use by other constituents, conformance with this policy may be waived.
- "User generated content" – Content that is created by users of the system and is not readily accessible to the public may be exempted from conformance with this policy. This exception only applies to the content itself, not the controls provided in association with the content, such as "Like" or "Follow" buttons, next page links, or logins which may be required to view content, etc.
- "Linked sites and resources" – Sites, resources, or systems that are linked to from any Ferris State University published or controlled website but are hosted outside of the Ferris State University's operations may be exempted from conformance with this policy, unless there is a contract in place with a vendor who is being paid to provide access to the vendor's site, resource or system.
- "External Digital Content" – Digital Content about or relating to Ferris State University that is hosted by third parties may be exempted from conformance with this policy, unless there is a contract in place with a vendor who is being paid to provide such Digital Content.
- "Short Term Digital Content" – Digital Content that is hosted for fewer than three weeks may be exempted from conformance with this policy.
- "Legacy Digital Content" – Digital Content that is legacy or archival and is published or controlled by Ferris State University may be exempted from conformance with this policy.
- "Back Office" -- Products located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment which is not remotely accessible may be entitled to an exemption from conformance with this policy.



Appendix C: Accessibility Compliance Clauses to Add to Procurement Contract Template

Contractor agrees to the following:

1. Electronic Reports and Information Delivery. Reports and other information prepared in electronic format and delivered under this Agreement, including but not limited to the following circumstances:
 - A. An Agreement deliverable;
 - B. Required for contract administration provisions; or
 - C. Peripheral to a contract deliverable such as a PowerPoint presentation for a contract providing training services, shall comply with Section 508 and WCAG 2.0 Level A and AA accessibility standards.

Voluntary/Government Product Accessibility Template. For any goods delivered under this Agreement, Contractor agrees to provide either a complete and accurate: Voluntary Product Accessibility Template (VPAT) as defined by the Information Technology Industry Council and located at <http://www.itic.org/public-policy/accessibility>, or; Government Product Accessibility Template (GPAT) as defined by BuyAccessible.gov and located at <https://app.buyaccessible.gov/baw/Quick-Links/index.jsp> before the goods are delivered. Ferris State University has the option of refusing delivery of any goods or services that do not come with an accompanying complete and accurate VPAT or GPAT whose contents signify Section 508 compliance.
2. Compliance. All goods and services identified and delivered under this Agreement shall comply with Section 508 as defined in the Ferris State University Accessibility Policy.
3. Remediation. Delivery of any item under this Agreement including goods, services, VPAT/GPATs or electronic documents which fail to comply with Section 508 accessibility standards will be considered a breach of this Agreement. Failure to remediate the delivery of non-compliant goods or services within the number of days identified in each individual contract at the Contractor's sole expense may result in Ferris State University terminating this Agreement and/or Ferris State University remediating the delivery of Contractor's non-compliant goods or services at Contractor's sole expense.
4. Indemnification -- the existing indemnification clause needs to be modified to include a requirement that the Contractor is liable for all legal costs and awards for either direct or third-party claims made against either Ferris State University or Contractor for failure to comply with the disability laws outlined above.
5. Liquidated Damages -- It is acknowledged that the Contractor's failure to achieve Section 508 compliance in its delivered goods and services by the Delivery Date established in this Agreement will cause Ferris State University to incur substantial economic damages and losses of types and in amounts which are impossible to compute and ascertain with certainty as a basis for recovery by the Owner of actual damages, and that liquidated damages represent a fair, reasonable and appropriate estimate thereof, excluding any amounts which may be recoverable through Indemnification. Accordingly, in lieu of actual damages for such delay, the Contractor agrees that liquidated damages may be assessed

and recovered by Ferris State University against Contractor and its Surety, in the event that goods or services are delivered which violate the requirements of Section 508 by the Delivery Date as stated in the contract and without the Owner being required to present any evidence of the amount or character of actual damages sustained by reason thereof; therefore Contractor shall be liable to the Owner for payment of liquidated damages in the amount of \$750 for each day that the delivered goods and services remain non-compliant with Section 508 beyond the Delivery Date. Such liquidated damages are intended to represent estimated actual damages and are not intended as a penalty, and Contractor shall pay them to Owner without limiting Owner's right to terminate this agreement for default or make claims for indemnification as provided elsewhere herein.

6. All e-learning and information technology developed, purchased, upgraded or renewed by or for the use of Ferris State University shall comply with all applicable Ferris State University policies, Federal and State laws and regulations including but not limited to Section 508 of the Rehabilitation Act (29 U.S.C. 794d).