

THE TEXAS  STATE UNIVERSITY SYSTEM®



TSUS Electronic and Information Resources Accessibility Policy



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Purpose: The Texas State University System (TSUS) and its Components are committed to providing individuals with disabilities access to its electronic and information resources (EIR). Compliance with this policy contributes to the availability of EIR for all TSUS community members and members of the public.

Scope: This policy applies to TSUS and its Components.

Application: The policy establishes minimum EIR requirements for TSUS and each Component; TSUS and each Component may adopt and implement EIR requirements that are more stringent than those provided below.

Management: This policy is managed by the TSUS EIR Accessibility Council and will be reviewed at minimum once every five years, or more frequently as necessary.

Exceptions: Pursuant to 1 Texas Administrative Code §213.37, TSUS and Components may seek exceptions as provided in this policy.

1. Policy Statements

- 1.1. TSUS and its Components must ensure its EIR is accessible as required by applicable state and federal law.
- 1.2. This policy applies to:
 - 1.2.1. EIR developed, procured, acquired, or materially changed by TSUS or a Component, whether by a TSUS or Component employee or third party acting as an agent of or on behalf of TSUS or the Component, or through a procured services contract.
 - 1.2.2. EIR services provided through hosted or managed services contracts.
 - 1.2.3. EIR developed, procured, acquired, or materially changed by a contractor pursuant to a contract with TSUS or the Component which requires the use of such product or requires the use, to a significant extent, of such product in the performance of a service or the furnishing of a product.
 - 1.2.4. Documentation and services that support the use of applicable EIR.
 - 1.2.5. Web Content and Mobile Applications subject to compliance with Title II of the Americans with Disabilities Act.

- 1.3. This policy does not apply to:
 - 1.3.1. EIR exempted by the Texas Department of Information Resources (DIR), a list of which is posted on the [Texas DIR website](#).
 - 1.3.2. Equipment that contains embedded information resources but does not meet the criteria to be classified as “EIR” as EIR is defined in 1 Texas Administrative Code Section 213.1(9).

2. Definitions

- 2.1. **Accessibility Conformance Report (ACR):** An ACR is a document that evaluates the level of compliance of an EIR product or service with required accessibility standards, such as a Voluntary Product Accessibility Template (VPAT®).
- 2.2. **Accessible:** Describes EIR that can be used in a variety of ways and the use of which does not depend on a single sense or ability.
- 2.3. **Alternate formats:** Alternate formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats.
- 2.4. **Alternate methods:** Different means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.
- 2.5. **Archived Web Content:** Web content that (1) was created before the date the public entity is required to comply with Title II of the Americans with Disabilities Act as published on April 24, 2024, reproduces paper documents created before the date the public entity is required to comply with Title II of the Americans with Disabilities Act as published on April 24, 2024, or reproduces the contents of other physical media created before the date the public entity is required to comply with Title II of the Americans with Disabilities Act as published on April 24, 2024; (2) is retained exclusively for reference, research, or recordkeeping; (3) is not altered or updated after the date of archiving; and (4) is organized and stored in a dedicated area or areas clearly identified as being archived.

- 2.6. **Component website:** A website that is connected to the Internet and is owned, funded, or operated by or for a Component, including the home page, all subordinate pages, and other key public entry points.
- 2.7. **Conventional Electronic Documents:** Web content or content in mobile apps that is in the following electronic file formats: portable document formats (PDF), word processor file formats, presentation file formats, and/or spreadsheet file formats.
- 2.8. **Electronic and Information Resources (EIR):** Includes information technology and any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, store, or deliver data or information. EIR includes telecommunications products (such as telephones), information kiosks and transaction machines, web sites, multimedia, and office equipment such as copiers and fax machines. Other terms such as Information and Communications Technology (ICT), Information Technology (IT), Electronic Information Technology (EIT) can be considered interchangeable terms with EIR for purposes of applicability or compliance.

EIR 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, thermostats or temperature control devices, 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. See 1 Texas Administrative Code Section 213.1(9).

- 2.9. **Exception:** A justified, documented, and approved non-conformance with applicable standards or specifications.
- 2.10. **Mobile Application:** A software application that is downloaded and designed to run on mobile devices such as smartphones and tablets.

- 2.11. **TSUS website:** A website that is connected to the Internet and is owned, funded, or operated by or for TSUS, including the home page, all subordinate pages, and other key public entry points
- 2.12. **Voluntary Product Accessibility Template (VPAT®):** The ITI VPAT® is a free template that translates accessibility requirements and standards, such as those in Section 508 and other legal frameworks, into actionable testing criteria for products and services.
- 2.13. **Web Content:** The information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content structure, presentation, and interaction. Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents.

3. Roles and Responsibilities

- 3.1. Each Component President and the Chancellor have the following responsibilities, which responsibilities may be delegated to a Component or TSUS employee, respectively:
 - 3.1.1. Designate an EIR Accessibility Coordinator to facilitate institution-wide EIR accessibility compliance and to recommend institution-level best practices in support of EIR accessibility.
 - 3.1.2. Inform DIR within 30 days whenever the EIR Accessibility Coordinator position is vacant or a new/replacement EIR Accessibility Coordinator has been designated.
 - 3.1.3. Ensure appropriate staff receive training necessary to meet EIR accessibility-related requirements.
 - 3.1.4. Review requests for exceptions in conformity with 1 Texas Administrative Code Section 213, which request(s) must be approved, in writing, by the President, by the Chancellor at the System level, or by their delegate.
- 3.2. The TSUS EIR Accessibility Coordinator and each Component EIR Accessibility Coordinator have the following responsibilities:
 - 3.2.1. Develop, support, and maintain EIR accessibility policies, standards, and procedures.
 - 3.2.2. Process EIR accessibility exception requests.

- 3.2.3. Maintain records for all exception requests and approvals.
- 3.2.4. Maintain documentation of accessibility testing validation procedures and results.
- 3.2.5. Coordinate the required periodic testing and monitoring of website compliance, as described in 1 Texas Administrative Code Section 206.70 and Title II of the Americans with Disabilities Act.
- 3.2.6. Develop and support a plan by which EIR will be brought into compliance.
- 3.2.7. Facilitate the development or acquisition of training solutions necessary to meet EIR accessibility-related requirements.
- 3.2.8. Assist employees and contractors with the procurement of accessible EIR.
- 3.2.9. Facilitate a response to concerns, complaints, reported issues, and DIR accessibility surveys.

4. Web Content and Mobile Applications Accessibility

- 4.1. TSUS and Components must ensure that all web content and mobile applications comply with the following accessibility requirements:
 - 4.1.1. 1 Texas Administrative Code Section 206.70;
 - 4.1.2. 1 Texas Administrative Code Section 213;
 - 4.1.3. Title II of the Americans with Disabilities Act; and
 - 4.1.4. Any additional requirements included in this policy.
- 4.2. TSUS and Component website home pages must include a link that directs users to a page containing the following information:
 - 4.2.1. Site validation standards (e.g., WCAG 2.1 Level AA);
 - 4.2.2. Contact information for Component EIR Accessibility Coordinator; and
 - 4.2.3. A link to the Governor's Committee on People with Disabilities website.
- 4.3. TSUS and Components must establish procedures to:
 - 4.3.1. Monitor their websites for ongoing compliance with this policy;
 - 4.3.2. Conduct periodic accessibility scans (at least quarterly) using appropriate validation tools;
 - 4.3.3. Distribute validation reports to designated TSUS or Component personnel for review and action; and

- 4.3.4. Test new and modified web-based EIR using one or more accessibility validation methods, including, but not limited to, automated methods, manual methods, and assistive technologies.

5. Procurement and Acquisition

- 5.1. TSUS and Components must ensure that procurement decisions and contract terms support the acquisition of accessible EIR products and services, as outlined in 1 Texas Administrative Code Section 213.38(c).
- 5.2. Vendors are required to provide documented accessibility information for any EIR products or services they offer. If credible accessibility documentation is not available, the product or service will be deemed noncompliant. Acceptable documentation includes, but is not limited to:
 - 5.2.1. A VPAT® or an equivalent accessibility conformance report, or
 - 5.2.2. Reliable evidence demonstrating the vendor's ability to produce accessible EIR products and services. This may include internal accessibility policies, contractual accessibility warranties, accessibility testing reports, or examples of prior work demonstrating accessibility compliance.
- 5.3. TSUS and Components must develop procedures to actively monitor contracts and procurement processes to ensure compliance with accessibility policies.
- 5.4. TSUS and Components must include contractual requirements ensuring that manufacturers of telecommunications equipment and providers of telecommunications services comply with 47 U.S.C. Section 255 and 36 C.F.R. Section 1194.2, Appendix B, whenever such compliance is feasible and the products or services are readily available.
- 5.5. Accessibility testing shall be performed and documented by a knowledgeable institution employee or third-party testing resource to validate compliance with 1 Texas Administrative Code Sections 206.70 and 213 on all information resources technology projects for which development cost exceeds \$500,000 and that meet one or more of the following criteria:
 - 5.5.1. Requires one year or longer to reach operations status;
 - 5.5.2. Involves more than one institution of higher education or state agency; or
 - 5.5.3. Substantially alters work methods or the delivery of services to clients.

6. Institutional Plan

- 6.1. TSUS and Components must have a written plan by which EIR will be brought into and maintained in compliance with applicable technical accessibility standards and specifications.
- 6.2. The plan shall include:
 - 6.2.1. A process for corrective actions to remediate non-compliant items;
 - 6.2.2. Compliance goals; and
 - 6.2.3. A method of measuring progress towards those goals.

7. Exceptions

- 7.1. Exceptions may be granted under certain circumstances, provided an internal risk analysis is performed. TSUS and Components shall develop and implement standards and processes for handling exception requests for all EIR, including those exceptions requested due to compliance causing a significant difficulty or expense as permitted by Texas Government Code Section 2054.460. TSUS and Components' standards and processes must take into account all applicable regulations and policies, as permitted exceptions may vary.
- 7.2. The exception process should be completed prior to the development, procurement, completion, acquisition, or usage of the EIR or at the point non-compliance with required accessibility standards is identified if the vendor is unable to immediately remedy the issue.
- 7.3. TSUS and Components may issue pre-approved exceptions for low-risk EIR (e.g., EIR used by a single user).
- 7.4. Any requested exceptions must be approved, if at all, by the president of the Component, in the case of Component-level exceptions, and by the Chancellor, in the case of System-level exceptions, or by their delegate.

8. Related Policies, Standards, and Guidelines

- 8.1. [Web Content Accessibility Guidelines \(WCAG\)](#)
- 8.2. [Section 508 of the Rehabilitation Act of 1973](#)
- 8.3. [Title II of the Americans with Disabilities Act](#)
- 8.4. [Texas Government Code §2054.456 - 464](#)
- 8.5. [House Bill 5195](#)

8.6. 1 Texas Administrative Code 206

8.7. 1 Texas Administrative Code 213