# Montclair State University Digital Accessibility Policy

# Policy

The purpose of the Montclair State University Digital Accessibility Policy is to ensure that the on-line courses and programs, communications, services, and activities offered by Montclair State University through its website, webpages, subordinated intranet pages, and web-accessible enterprise applications are accessible by persons with disabilities in accordance with the requirements of Sections 504 and 508 of the Rehabilitation Act of 1973 and its applicable implementing regulations at 34 C.F.R. Part 104, and Titles II and III of the Americans with Disabilities Act of 1990 and its applicable implementing regulation at 28 C.F.R. Part 35.

# Definitions

The following terms shall have the meanings defined in this Policy:

"Accessibility" means: The degree to which a person with a disability can access a service, program or activity offered by the University through the University’s website, webpages and subordinated intranet pages in a manner that provides, to the maximum extent possible, the same or substantially equivalent opportunity for access to the information, interaction and enjoyment as a person without a disability.

"Accessibility Standard" means: The minimum standards contained in the World Wide Web Consortium’s Web Content Accessibility Guidelines 2.0 Level AA for web content.

"Alternative Formats" means: The structure and composition of digital documents and internet applications that are readable and usable by people with disabilities using assistive technologies and/or special configurations pursuant to the Accessibility Standard. Accessible formats may include, but not be limited to, large print, recorded audio, DAISY format, HTML, MathML, video captioning, Braille, and other formats that provide access to information by persons with a disability.

“Archived Information” means: Electronic Content that is: (i) is maintained exclusively for reference, research or recordkeeping; (ii) is not altered or updated after the date of archiving; and (iii) is organized and stored in a dedicated area or areas clearly identified as archived.

“Effective Date” means: The effective date of the Policy is [insert date approved by OCR].

"Electronic Content" means: Videos, text, images and other digital media published on the University’s website, webpages and subordinated intranet pages that is not Archived Information, conventional electronic documents published in such formats as a PDF, Word, PowerPoint and/or Excel on the University’s website, webpages and subordinated intranet pages on and after January 1, 2012, and web-accessible enterprise applications, that are accessed broadly by the University’s employees, students or applicants or by the public at large.

“Equally Effective Access” means: The Alternative Format provided to persons with disabilities that communicates or provides access to, the maximum extent possible, the same information, services, programs or activities as that which is provided to their non-disabled peers. “Exception” means: Exceptions from the Policy defined below.

"Undue Burden" means: The provision of Alternative Formats in conformance with the Accessibility Standard creates a fundamental alteration of a University program, service or activity, or imposes a significant cost upon the University taking into consideration funding and other resources available.

**Implementation Schedule**

Implementation of this policy shall be accomplished in accordance with a phased schedule established by the Vice President for Information Technology.

# Scope

All employees and contractors of Montclair State University shall comply with this Policy.

This Policy applies to all web-accessible applications to be purchased by the University on or after the Effective Date and to web-accessible applications purchased prior to the Effective Date that are identified for remediation to an Alternative Format, Equally Effective Access or the Accessibility Standards.

This Policy also applies to all Electronic Content created or amended after the Effective Date, and all Electronic Content that was published on the University website prior to the Effective Date and after January 1, 2012.

Applications that are outside of the scope of this Policy include: Archived Information; Electronic Content published prior to January 1, 2012 unless specifically requested in an Alternative Format; and Electronic Content developed, maintained, or offered by a student or third party or through an open source that does not deliver University services, programs or activities or for which payment is not required by the University.

# Technical Standards

Web-accessible applications purchased after the Effective Date and Electronic Content created or amended after the Effective Date shall comply with the Accessibility Standard.

Web-accessible applications purchased prior to the Effective Date that are identified for remediation by the Vice President for Information Technology or designee, and Electronic Content published on the University website prior to the Effective Date but after January 1, 2012 must be modified, removed or replaced to Alternative Formats or comply with the Accessibility Standard unless an Exception is granted in accordance with this Policy.

In the event the University receives a request for a conventional electronic document created prior to January 1, 2012, the unit responsible for its publication on the University’s website shall provide it in an Alternative Format or provide Equally Effective Access.

# Responsibility for Enforcement

The Vice Presidents for each Division within the University and Deans of the Colleges and Schools shall be responsible for ensuring that employees within their respective areas comply with this Policy.

Montclair State University’s Vice President for Information Technology or designee shall be responsible for monitoring enforcement of this Policy. Questions concerning the Accessibility Standards and Alternative Formats should be forwarded to the Vice President for Information Technology or designee. In the event the Vice President for Information Technology or designee determines that Electronic Content or a web-accessible enterprise application is not in compliance with this Policy, he/she shall communicate it to the Vice President of the Division who has supervisory authority of the employee who shall be responsible for taking corrective action.

The Vice President for Information Technology or designee may suspend any employee’s access to, or remove from publication, any University webpage, intranet page and subordinated page for failure to comply with this Policy.

# Evaluation & Monitoring

All employees with the responsibility to select or procure software and software-as-a-service that will be accessible from the University’s website, webpages or intranet pages for the delivery of University programs, services or activities, or to publish Electronic Content on the University’s website, webpages and intranet pages, must collaborate with the Vice President for Information Technology or designee to assure compliance with this Policy. The Vice President for Information Technology or designee, in collaboration with the Director of Web Services, shall develop a process for evaluating, testing and monitoring the website and software compliance with the Accessibility Standards.

Procurement Services, in collaboration with the Vice President for Information Technology or designee, shall conduct periodic audits of vendor contracts to ensure compliance with the Accessibility Standards.

# Training and Communications

This Policy will be communicated to all employees by the Vice President for Information Technology or designee, at a minimum, on an annual basis. The Policy will also be communicated to existing vendors of the University and will be included in procurements after the Effective Date.

All employees with the responsibility for adding, editing and deleting Electronic Content and selecting or procuring software and software-as-a-service that is accessible from the University’s website, webpages or intranet pages and is used to deliver University programs, services and activities shall receive training at least once per year on the Accessibility Standards to ensure compliance with this Policy.

# Exceptions

Exceptions to this Policy may be granted under the following circumstances:

* Compliance with the Policy would be an Undue Burden on Montclair State University as determined by the President of Montclair State University, or an individual delegated authority by the President to make this decision. A finding of Undue Burden by the President or designee must be documented by a written certified statement of: 1) the reasons for reaching that conclusion, including the cost of meeting the requirement and the available funding and other resources; and 2) how Equally Effective Access will be provided.
* Compliance with the Policy would require a modification to web-accessible enterprise applications which would result in a fundamental alteration that would materially impact University programs, services and activities by persons without a disability.
* Compliance with the Policy would require a modification of the functionality or content of third party websites or systems hosted outside of Montclair State University’s operations that are linked to the Montclair State University website, webpage or intranet page and no alternative products are available from other third parties that meet the Accessibility Standards.
* Compliance with the Policy would require a modification of the functionality or content of third party websites or systems and the use is not governed by a contract with or requiring payment by the University.
* Compliance with the Policy would require a modification of the functionality or content of third party websites or systems that do not deliver services, programs or activities for Montclair State University.
* Compliance with the Policy would require a modification of the functionality or content of third party websites the use of which is governed by a contract with the University that was signed prior to the Effective Date, and a determination has been made by the Vice President for Information Technology or designee to permit the third party to remediate to an Alternative Format by a specified date.
* Electronic Content was created or published on the University’s website, webpages or subordinated intranet pages prior to January 1, 2012 and cannot be provided in an Alternative Format.
* Web-accessible software/services and Electronic Content are not broadly accessible by University employees, students, applicants, or the general public, and an Equally Effective access is provided when requested.
* Electronic Content that is available but not linked directly from any web site published or controlled by Montclair State University.
* Electronic Content located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment which is not remotely accessible.

Requests for exceptions must be submitted in writing to, and use the process proscribed by, the Vice President for Information Technology or designee. The Vice President for Information Technology or designee shall maintain records of the requests and determination to grant or deny an exception for a period of no less than 5 years.

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