



# Disabled Students Program and Services (DSPS)

## ADA Self-Evaluation Analysis for ICT

### Self-Evaluation Overview

#### Overview/Context

- **Focus:** The focus of the Self-Evaluation is on identifying policy, programmatic, and physical barriers to accessibility and developing solutions to resolve these barriers.
- **Outcome:** Completing the Self-Evaluation is an enormous, multi-year, multi-disciplinary process. The resulting Self-Evaluation is very large and highly detailed so a full analysis is beyond the scope of SACTAC to cover.
- **Today's Focus:** The intent of this handout is to summarize key technology-related touchpoints between the findings and recommendations from the Self-Evaluation and the roles and responsibilities of SACTAC.
- **Intent:** The intent of today's agenda item is just to discuss and analyze these technology-related touchpoints. Future SACTAC discussions will focus on developing recommendations (or other actions) are appropriate.

#### Drivers

- **Mandate:** There is a "...clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."
  - Civil rights legislation (e.g. the Americans with Disabilities Act of 1990) [ADA] requires that 'otherwise qualified' individuals with disabilities shall not be denied participation in or the benefits of, any campus program, service, or activity solely by reason of disability. It requires that we provide responsive accommodations when accessibility barriers exist.
  - There are also both Federal (Section 508) and State (CA Government Code 7405) laws/regulations that require that our Information and Computer Technology (ICT) infrastructure be accessible for persons with disabilities. Section 508 requires that institutions incorporate accessibility into all decisions to adopt, build, purchase, and implement ICT. It requires a much more proactive response to accessibility that minimizes or eliminates the need for accommodations in the first place.
- **Scope:** ICT includes web sites/apps, desktop and mobile software, telecommunications systems, and electronic media (e.g. documents, videos, audio). It includes third-party technology solutions that we contract with others to use—If we adopt it, we accept the responsibility for ensuring that it's accessible and accommodating gaps.
- **Rationale:** As technology increasingly transformed college programs/services, it became clear that only focusing in responsive accommodations (ADA) was inadequate. If a key campus technology (e.g. LMS) was inaccessible, there were often few (if any) accommodations that would allow full inclusion. Also, the process of providing accommodations was often very disruptive and costly for the institution (e.g. paying for interpreters every time an uncaptioned video is shown in class vs. simply selecting captioned videos).
- **Technology Access:** The institution is required to incorporate accessibility components into business practices across the institution (not just DSPS) including:
  - **Procurement:** Incorporating accessibility requirements into selection requirements, reviewing vendor accessibility claim, verifying accessibility support, ruling-out accessible products before justifying the purchase of inaccessible ones, including accessibility language in contracts)

- **Authoring:** Training all authors of ICT media (e.g. documents, multimedia, web content) regarding their responsibilities regarding accessibility, providing access to tools that support authoring, evaluating, and remediating media for accessibility).

## General Findings (both District and Campus-Level)

### Lack of ADA Notice and Related Information

- **Report Findings:** The District and campuses must prominently provide information about its nondiscrimination policies, link to specific procedures for obtaining assistance and/or filing complaints. This information should be available for all programs/services and in all contexts (office, events, web, and printed materials).

### Effective Methods of Administration

- **Report Findings:** There must be well-established and documented procedures for how the institution will respond to requests for assistance and processing complaints. Those involved in responding to these requests must have appropriate background/training to effectively respond and have access to support resources that ensure the response is timely. Information about these procedures must be widely disseminated and reviewed periodically. The report finds that while most programs understand the need for accommodations, there are few established policies or procedures for providing accommodations. Also, accommodations for the public cannot be funded through DSPS.

### Designation of ADA Coordinator

- **Report Findings:** Full implementation of ADA requirements requires designated leadership. The report recommends a dedicated ADA Coordinator rather than having this role be a part of a larger administrative position (currently the Vice Chancellor for Human Resources). Regardless of who serves in this role, they need access to support staff to carry out the responsibilities of this role.

### Accessible Information

- **Report Findings:** Communications with persons with disabilities must be as effective as communications with other individuals. This requires that all information including ICT-based information are accessible and usable by people with disabilities. This includes websites, forms, LMSs, instructional materials, and other ICT resources). This also requires that we conform with accessibility requirements when we develop, procure, maintain, or use ICT. The report acknowledges that a comprehensive Section 508 review of ICT resources was out-of-scope; however, numerous web pages and online forms were not fully accessible. The report recommends establishing procedures by qualified individuals to ensure all ICT resources comply before deployment.

### Campus-Wide Training

- **Report Findings:** The report indicates that campus-wide training is critical and states that a comprehensive training plan needs to be developed for both instruction and non-instructional units. The training needs to address general disability awareness as well as implementing a wide range of policies and procedures that address serving students with disabilities. The training plan needs to address the diverse needs of administrators, faculty, and staff and should incorporate a variety of formats.

## Specific Findings (both District and Campus-Level)

### Websites

- **Report Findings:** The district website provides an accessibility section that allows site visitors to review a commitment statement and report accessibility issues. However, there is no method to request accommodations (such as alternate format versions of materials).
  - **Comments:** Establishing a mechanism for requesting accommodations requires that there also be personnel with adequate training, tools, and support to (1) review the request, (2) determine what options are feasible/reasonable, (3) oversee processing of the request, (4) maintain communication during the processing, and (5) resolve the request in a timely manner—similar to a help desk.
- **Report Findings:** The District uses accessibility evaluation software to check for accessibility issues on district and campus websites and periodically notify departments of non-compliant pages. Web content constantly evolves, however, which makes it challenging to achieve or maintain full accessibility support.
  - **Comments:** Automated checking can only detect roughly 1/3 of accessibility issues so the notification reports provide an incomplete picture of accessibility support. Accessibility issues have sometimes been inadvertently introduced when code changes occur because manual evaluation and/or evaluation by users of assistive technology is either not occurring or is insufficient to identify non-compliant code. There is sometimes the assumption that ‘standard’ web tools are intrinsically accessible if provided by major IT companies (e.g. Microsoft). However, this isn’t always true or may still require manual configuration or tweaking.
- **Report Findings:** While overall accessibility support for the Canvas LMS is fairly strong, there are third-party integration products/services that haven’t been assessed for accessibility.
  - **Comments:** While Canvas accessibility support is fairly strong, there are important gaps in accessibility support that campuses weren’t advised of and that aren’t reflected in the vendor’s accessibility documentation (e.g. that support for the JAWS screen reader doesn’t work properly with Chrome). Most VPATs, include that of Canvas, have responses indicating partial support but often fail to describe what specific areas conform or don’t conform. If we don’t know exactly what works and what doesn’t, it’s challenging to plan for alternative access. While those who teach Distance Education classes must complete accessibility training, there is no analogous requirement that all web authors do so before they are authorized to post information on websites. Given that many instructional and non-instructional departments post essential information on websites (and therefore have the responsibility to ensure information is accessible), all web and document authors need accessibility training.
- **Report Findings:** The Digital Media Center contracted with a third-party to develop its websites. Unfortunately, the resulting site doesn’t meet Section 508 requirements, contains videos that aren’t properly captioned, and doesn’t provide a method for reporting accessibility issues or requesting accommodations. Work is underway to address these issues; however, the situation potentially creates logistical, financial, and compliance issues.
  - **Comments:** Websites and application developed by third-parties must meet the exact same Section 508 criteria as those developed in-house. It’s unclear whether the vendor was contractually obligated to produce a Section 508 compliant website. If so, conformance testing would have identified the barriers before launch and the developer would have been responsible for resolving them before launch. If not, the logistics and expense of remediation or rebuilding efforts fall on our institution.

## Electronic Media

- **Report Findings:** Many departments have media (e.g. documents, multimedia) that have insufficient accessibility support. While some departments were aware of these gaps, others were not. Most departments report that they can provide alternate media versions of media upon request. However, departments didn't have written procedures for how to receive, process, and respond to these requests. The report supports the establishment of Instructional Design Centers that include accessibility experts that can train content authors as well as verify accessibility support for media used across the campus.
  - **Comments:** ADA case law and Numerous Office for Civil Rights settlement agreements have repeatedly clarified that ad hoc approaches to accessibility are no longer adequate. Institutions are now expected to have established, comprehensive, well-communicated procedures for ensuring that media is created with accessibility in mind or acquired with accessibility support already in place. High-impact media (e.g. the Schedule of Classes) are still not being generated in a format that is Section 508 compliant. While content authors don't have to become accessibility experts, they need awareness and tools to support their responsibility for creating accessible content.

## ICT Acquisition

- **Report Findings:** The District has Board Policies that state we will procure accessible products. We also gather basic documentation from vendors (Voluntary Product Accessibility Templates) that indicate the vendor's self-reported level of compliance. However, there is no formal review of this documentation to determine whether it is (1) complete, (2) up-to-date, and (2) credible. We also don't have procedures to determine whether we are fully implementing other Section 508 requirements including (1) selecting the most accessible product that meets our essential requirements and (2) only selecting inaccessible products when we have confirmed that no accessible product meets our essential requirements. The report notes that it's critical that we hold vendors accountable for the accessibility support of their products and recommends that legal counsel develop and periodically review/update standard language that all District personnel would incorporate in contracts.
  - **Comments:** Implementing a formal review of vendor claims regarding accessibility support requires that there are personnel with sufficient background to competently assess vendor claims. Given staffing limitations at ITS and the legal prohibition on using DSPS resources for non-student-related activities, other personnel resources will likely be needed. We should explore leveraging the support of the system-wide CCC Accessibility Center among other resources. Until that happens, we should consider asking that vendors of high-impact ICT products to provide a demonstration of the accessibility support offered by their product, route notices of accessibility issues to them, and formally request remediation of accessibility issues in a timely manner.

## Assistive Technology Availability

- **Report Findings:** Assistive technology tools are present in many but not all common computing areas. Some areas report that existing assistive technology is out-of-date due to licensing limitations.
  - **Comments:** Assistive technology needs to be maintained at least as robustly as general technology. Rapid changes in software and OS versions require that we offer the latest versions of accessibly tools that have been updated for compatibility with other technologies. Office for Civil Rights considers the entire District budget when an institution claims that costs are an undue hardship for providing assistive technology. We're highly unlikely to be supported if a complaint is filed for inadequate access to AT.

## Assistive Listening Devices

- **Report Findings:** Performance venues such as those used for performing arts events and the SAC Planetarium don't have FM systems available for patrons who are hard-of-hearing. There are informal procedures for requesting sign language interpreters as needed. However, there aren't clear, written procedures for patrons or staff regarding this process.
  - **Comments:** FM systems are commonly available at performance venues across the country. They not only provide immediate support for patrons but are often the only appropriate accommodation for those who are hard-of-hearing but don't know American Sign Language. Especially for venues that are used for public performances, it's essential that FM systems be made available.

## Key Takeaways

- Accessibility is a proactive responsibility. We cannot continue to rely primarily on responsive accommodations to address the needs of persons with disabilities. This systematically places them at risk of being unable to fully participate in, and benefit from, our programs and services.
- Accessibility is a shared responsibility. Administrators, Faculty, and Staff all have a role to play and each business unit must take on some responsibility for ensuring the accessibility of its programs and services.
- Accessibility is a perpetual responsibility with performance standards that will change over time. The District and campuses must establish sustainable, ongoing accessible technology initiatives that ensure all programs and services are accessible in a manner that is comparable in effectiveness, timeliness, and cost.
- At the campus level, executive leadership from each division is essential for driving organizational change, supporting critical investments, establishing both operational and aspirational goals, and monitoring progress.
- As with any broad-based and complex initiative, substantive progress will only occur if there is a formal, codified, and comprehensive accessible technology plan that includes broad goals, specific objectives, appropriate timelines, performance metrics, activity and outcome tracking, periodic reporting, and administrative review/oversight.
- The institution will need to make meaningful investments over time in awareness, technology, training, staffing, monitoring, and administrative oversight. It's unrealistic to expect that existing resources will be sufficient to fully comply with accessible technology requirements.
- Given the breadth and depth of ICT resources used to deliver programs and services, it will be critical that we develop a process for prioritizing accessible technology efforts to target the high-impact and high-risk technologies.
- Implementing a comprehensive accessible technology plan will ultimately be needed. We have two choices: (1) Implement one now on our timeline and in a manner that fits our organizational structure and culture or (2) respond to an Office for Civil Rights complaint or lawsuit and have a plan imposed in a timeline and manner determined by an outside agency.