Western Kentucky University
Americans with Disabilities Act Amendments Act and Section 508 Policy
Revised: August 2012

Western Kentucky University (WKU) is committed to providing equal accessibility opportunities for all persons with disabilities. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 established the foundation for equal educational opportunities. WKU complied with the mission and spirit of the ADA years before it was codified to become law and has since implemented Section 508 regulations (as amended of 2001), and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. The purpose of this document is to demonstrate the University's commitment to providing equal access through reasonable accommodation efforts for qualified students with disabilities. Furthermore, WKU recognizes that equal access for disabled individuals is an ethical course of action for a quality comprehensive university to pursue.

After reviewing this document, the reader will have knowledge to:

1) define and understand basic principles and issues of accessibility as they apply to campus technologies;
2) understand the steps needed to create new, and modify existing, websites, emails, and other electronic communications that provide equal access to information when viewed using typical, industry-standard assistive technologies;
3) guide individuals to campus resources for accessibility and compliance.

Section 1: Legal Requirements

Both State and Federal legislation cover accessibility issues. Applications and websites should be assessed for their accessibility to persons with disabilities. Existing and potential needs should be examined to assess resources and operations of an agency or program.

Kentucky
KRS 61.980-988 covers accessibility: Go to the following link and scroll to .980 - .988.
http://162.114.4.13/KRS/061-00/CHAPTER.HTM

National
Postsecondary education institutions are subject to the following provisions:

- Title I <http://ada.ky.gov/employment_title_one.htm>of the American with Disabilities Act as employers;
- Title II <http://www.ada.gov/taman2.html>of the ADA as a public educational institution;
- Title III <http://www.ada.gov/taman3.html>of the ADA as a private educational institution receiving federal monies;
- Section 504 <http://ada.ky.gov/titles.htm#Title V: Miscellaneous Provisions> of the Rehabilitation Act.

The Federal Rehabilitation Act (1973)

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, receiving federal financial assistance, of federal employment, and that utilize employment practices of federal contractors. Standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the Americans with Disabilities Act <http://ada.ky.gov/employment_title_one.htm>.

Section 504 of the Federal Rehabilitation Act (1973)
Section 504 states, "no qualified individual with a disability in the United States (U.S.) shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives federal financial assistance, or is conducted by any executive agency or the U.S. Postal Service. Each federal agency has its own set of Section 504 regulations that apply to its programs; therefore, agencies that provide federal financial assistance also have Section 504 regulations covering entities that receive federal aid: Section 504 <http://ada.ky.gov/anti_disc.htm>.

Section 255 of the Telecommunications Act (1996)

The Telecommunications Act of 1996, a comprehensive law overhauling regulations of the telecommunications industry, recognizes the importance of access to telecommunications for people with disabilities in the Information Age. Section 255 of the Act requires telecommunications products and services to be accessible to people with disabilities: Section 508 <http://www.section508.gov/>.

The Assistive Technology Act (1998)
The Assistive Technology Act was designed "to support programs of grants to States to address the assistive technology needs of individuals with disabilities." In addition, the U.S. Department of Education's Office for Civil Rights (OCR) questioned the practice of providing personal reader attendants as the primary way of making websites accessible to persons with disabilities. Office for Civil Rights wants to continue to ensure the quality and equality of communication portrayed on websites provided for individuals with and without disabilities is equivalent.

Section 508 of the Federal Rehabilitation Act, As Amended (2001)
Section 508 requires that federal agencies comply with accessibility guidelines when purchasing technology, which also applies to the web. In response to a 1998 amendment to Section 508, the U.S. Access Board created standards for electronic and information technology that utilizes the World Wide Web Consortium (W3C) guidelines extensively.

Americans with Disabilities Act Amendments Act (2008)
The Americans with Disabilities Act Amendments Act (ADAAA) is designed to ensure public and commercial facilities are accessible to disabled persons, as long as the accommodations are not "structurally impracticable." In 1996, the Department of Justice ruled that ADA requirements apply to webpages. Title II covers all activities of postsecondary educational institutions whether or not they receive Federal funds at https://www.ada.gov/t2hlt95.htm.

<center>**Section 2: Access Issues with Electronic Communications**</center>

Defining Disability
According to the ADAAA, a person with a disability is defined as anyone with a physical or mental impairment that substantially limits one or more major life activities. These includes, but are not limited to, concentrating, speaking, performing manual tasks, breathing, hearing, walking, learning, seeing, working, caring for oneself, sleeping, standing, lifting, bending, reading, thinking, and communicating. The definition also includes invisible disabilities such as psychological disabilities, learning disabilities, and chronic health impairments (e.g., attention deficit disorder, epilepsy, diabetes, arthritis, cancer, cardiac problems, and HIV/AIDS).

Defining Accommodation
At the college level, accommodation means providing disabled persons with an equivalent experience that does not represent an undue burden on the University. In the realm of technology, there are several levels of accommodations that can be built into materials or retrofitted (added after materials are created). Building in accommodations is much easier than retrofitting technology.

Western Kentucky University's Accommodation Policy Explained
Western Kentucky University states its employees will conform to the law in providing accommodations as established by the office of Equal Employment Opportunity/Affirmative Action/University ADA Services (EEO). University resources (e.g., online courses, department webpages, emails) should be designed and delivered in such a way the level of communication and educational outcomes are equivalent for students with or without disabilities. The Kentucky Governor's Office on Technology is ensuring state websites are accommodating. In spring 2004, the Kentucky Virtual University worked with WKU to affirm that online courses were accommodating at Priority 1 of the W3C.

Implications for Accommodation with Technology
Face-to-face courses are typically adapted when a student with a disability arrives in class. Although one can wait to make an accommodation until an incident occurs, given the challenge and vast amount of time involved in retrofitting a course or website, it is much easier to build it in or begin retrofitting before the instructor is faced with a short-term deadline. For example, a course relying on video may have to create transcripts of all videos at a pace equivalent for how other students are managing the course. A website using Portable Document Format files may need to provide a HyperText Markup Language or Text version. Those using JavaScript, or even intensely using images, may have to provide a text-only version.

Materials Covered by the ADAAA
Anything required for a student to complete a course or officially interact with the University (e.g., registration) or for employees to complete their work, should be evaluated for potential accommodations. For example, this could include websites not based on the WKU server.

Another Reason for Accommodation
Basic accommodations for the most common disabilities are also standard design principles for universal access, and provide a clear description in text of any image or tables for maximum understanding. For effective communication, design for universal accessibility.

Technology and Accommodation
All audio, video, multimedia and text components of courses and electronic communication should be evaluated for accessibility. Some technologies that may require accommodation:
- Emails
- PDAs or mobile devices
- Interactive online forms
- Satellites
- Instructional televisions
- Telephones
- Webpages
- Chats/Instant messaging
- Discussion boards
- Instructional or general software (e.g., Microsoft Office Word, Excel)
- CD-ROMs
- DVDs
- Laser discs
- Video and audio tapes
- Electronic texts
- Print materials

Where access to websites, not controlled by the University, is required or necessary for completion of a course or other University business, WKU should take steps to ensure such sites are accessible or provide the same material by other means.

Be aware that all of these technologies may also provide an accommodation solution for some types of disabilities.

Ensuring Reasonable Accommodation
Accommodation depends on the particular student, the task that must be accomplished, and the technology available. Since technology changes over time, including assistive technology, the general trend is for it to be easier to accommodate assuming good design is built in from the start. Technology alone cannot solve the problem because many accommodations are conceptual (e.g., describing an image, laying out navigation for someone who cannot see, avoiding numerous animated gifs that distract a person with ADHD). The recommended strategy is to provide built-in accommodations for industry-standard assistive computer technology.

Choosing Technologies for Accommodation
When a new technology or software is adopted, or a classroom or lab is constructed, potential accommodation issues need to be considered. This means being familiar with at least the most common disabilities (see the Defining Disability section).

Factors to consider when choosing technologies are: (a) the nature of the learning task, (b) what it will take to maintain the accommodation, and (c) whether the task is necessary to accomplish the goal(s).

Existing procedures for adoption of technologies should be modified to include a step in which accommodation is considered. For example, the course approval process should include a statement about considerations for accommodation.

Section 3: Compliance Process for ADAAA and Section 508

A disclaimer, such as the one listed below, will be added to all WKU compliant webpages, which are necessary for institutional business:

"This website is in compliance with Section 508 and W3C Priority I guidelines 1.0. If you find it to be inaccessible, please contact Information Technology Services [with the URL of the specific page and contact information]".

To comply with the University's process for reporting and responding to complaint issues, a complainant can utilize the link in the above disclaimer to send an email to the EEO office and include their contact information, the URL of the page in question, and a brief explanation of the problem(s) they are experiencing. If/When the EEO Director determines a complainant is certified as disabled, an ADAAA taskforce shall be established to determine the validity of the complaint and proper response. The taskforce should be composed of changing membership based on the complaint (e.g., supervisor from the non-compliant webpage unit, a representative from the EEO office, others at the discretion of the EEO Director).

Western Kentucky University shall develop, offer, and maintain training programs for faculty, staff, and students responsible for publishing webpages through implementation of the following training mechanisms:

a. Faculty
   • An ADAAA Section 508 website and online course;
   • ADAAA Section 508 training incorporated into WKU's Course Management System training;
   • "Stand alone" training sessions offered yearly, at a minimum, for new faculty;
   • "Stand alone" training sessions offered yearly, at a minimum, to update continuing faculty.
b. Staff
   • An ADAAA Section 508 website and online course;
   • "Stand alone" training sessions offered yearly, at a minimum, for new staff;
   • "Stand alone" training sessions offered yearly, at a minimum, to update continuing staff.
c. Students
   • ADAAA Section 508 awareness and training within appropriate curricula.

Western Kentucky University ensures accessibility of online learning through ADAAA training modules provided by the Department of Information Technology (IT), the Faculty Center for Excellence in Teaching, and the Division of Extended Learning and Outreach (DELO). The IT helpdesk employees assist faculty, staff, and students with appropriate resources compliant with WKU's policy on accessibility. The Student Accessibility Resource Center also works closely

with the IT helpdesk and DELO to respond to distance learning students who have problems accessing online content (e.g., coursework documents, videos, tests created by professors).

Section 4: Resources for Accessibility and Compliance

<u>Campus Information Resources</u>

Policy Compliance or Grievance Issues
Equal Employment Opportunity/Affirmative Action/University ADA Services
Wetherby Administration Building, Room G33
(270) 745-5121

Course Management System and Instructional Uses of Computer Technology
Academic Technology
Jody Richards Hall, Room 241
(270) 745-3754

Departmental and Personal Webpages
Information Technology
Jody Richards Hall
(270) 745-7000

Employee Accommodation
Equal Employment Opportunity/Affirmative Action/University ADA Services
Wetherby Administration Building, Room G33
(270) 745-5121

Interactive Television
Interactive Video Services
Jody Richards Hall, Room 276
(270) 745-2625

Student Accommodation
Student Accessibility Resource Center
Downing Student Union, Room 1074
(270) 745-5004

Additional Resources

Web Accessibility:
- Alternative Web Browsers (http://www.w3.org/WAI/References/Browsing)
- W3C Web Content Accessibility Guidelines (http://www.w3.org/TR/WAI-WEBCONTENT/wai-pageauth.html#toc)
- Evaluation, Repair, and Transformation Tools for Web Content Accessibility (http://www.w3.org/WAI/ER/existingtools.html)
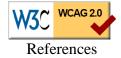
Software Accessibility:
- Microsoft *Technology for Everyone* Accessibility website (http://www.microsoft.com/enable/)
- Microsoft step-by-step tutorials for using the accessibility features of Windows, Office, and Internet Explorer (http://www.microsoft.com/enable/training/default.aspx)
- Accessible Documentation for Microsoft Products (http://www.microsoft.com/enable/products/docs/default.aspx)

Section 508 Rehabilitation Act

Western Kentucky University is committed to ensuring its websites are accessible to the widest possible audience. We are continually improving accessibility by following all recommended guidelines outlined in Section 508 of the Rehabilitation Act Amendments of 1998. If you are experiencing difficulty accessing any element of this website, please let us know the nature of the problem and the section where the difficulty was encountered. We will do our best to provide you with the information you require.

Email Contact: Equal Opportunity/Affirmative Action/University ADA Services

References

Melky, H.N. & V.L. Sheeley (eds.), (2000). *Access and opportunities: 504/ADA guidebook for students with disabilities at Western Kentucky University*.

Appendices

Web Pages and Emails

The Web Accessibility Initiative (WAI) guidelines are summarized in the below three priorities:

Priority 1
These guidelines **must be followed** to ensure minimal accessibility compliance with Section 508; otherwise, one or more groups of users will find it impossible to access web content. WKU electronic communications will meet Priority 1 of the WAI guidelines.

Priority 2
These guidelines **should be followed** to improve access to web content otherwise one or more groups of users will find it difficult to access.

Priority 3
These guidelines **may be followed** to make it easier for most users to access web content.

The compliance priority checkpoints (1, 2, and 3) and checklists, listed below, are to be used for webpages and emails, and should be applied to other types of electronic communications (both new and previously created). Specific situations may call for measures not covered in the checklists; however, following the checklists should indicate a good faith effort, but may not guarantee ADAAA compliance.

Priority 1 Checkpoints

These guidelines **must be followed** to assure accessibility compliance with Section 508 otherwise one or more groups of users will find it impossible to access web content.

WKU electronic communications will meet Priority 1 of the WAI guidelines.

In General	Yes	No	N/A
1.1 Provide a text equivalent for every non-text element (e.g., via "alt", "longdesc", or in element content). *This includes*: images, graphical representations of text (including symbols), image map regions, animations (e.g., animated GIFs), applets and programmatic objects, ascii art, frames, scripts, images used as list bullets, spacers, graphical buttons, sounds (played with or without user interaction), stand-alone audio files, audio tracks of video, and video.			
2.1 Ensure that all information conveyed with color is also available without color, for example from context or markup.			
4.1 Clearly identify changes in the natural language of a document's text and any text equivalents (e.g., captions).			
6.1 Organize documents so they may be read without style sheets. For example, when an HTML document is rendered without associated style sheets, it must still be possible to read the document.			
6.2 Ensure that equivalents for dynamic content are updated when the dynamic content changes.			

	Yes	No	N/A
7.1 Until user agents allow users to control flickering, avoid causing the screen to flicker.			
14.1 Use the clearest and simplest language appropriate for a site's content.			
If you use images and image maps	**Yes**	**No**	**N/A**
1.2 Provide redundant text links for each active region of a server-side image map.			
9.1 Provide client-side image maps instead of server-side image maps except where the regions cannot be defined with an available geometric shape.			
If you use tables	**Yes**	**No**	**N/A**
5.1 For data tables, identify row and column headers.			
5.2 For data tables that have two or more logical levels of row or column headers, use markup to associate data cells and header cells.			
If you use frames	**Yes**	**No**	**N/A**
12.1 Title each frame to facilitate frame identification and navigation.			
If you use applets and scripts	**Yes**	**No**	**N/A**
6.3 Ensure that pages are usable when scripts, applets, or other programmatic objects are turned off or not supported. If this is not possible, provide equivalent information on an alternative accessible page.			
If you use multimedia	**Yes**	**No**	**N/A**
1.3 Until user agents can automatically read aloud the text equivalent of a visual track, provide an auditory description of the important information of the visual track of a multimedia presentation.			
1.4 For any time-based multimedia presentation (e.g., a movie or animation), synchronize equivalent alternatives (e.g., captions or auditory descriptions of the visual track) with the presentation.			
If all else fails	**Yes**	**No**	**N/A**
11.4 If, after best efforts, you cannot create an accessible page, provide a link to an alternative page that uses W3C technologies, is accessible, has equivalent information (or functionality), and is updated as often as the inaccessible (original) page.			

Priority 2 Checkpoints

These guidelines **should be followed** to improve access to web content otherwise one or more groups of users will find it difficult to access.

In General	**Yes**	**No**	**N/A**
2.2 Ensure that foreground and background color combinations provide sufficient contrast when viewed by someone having color deficits or when viewed on a black and white screen. [Priority 2 for images, Priority 3 for text].			
3.1 When an appropriate markup language exists, use markup rather than images to convey information.			
3.2 Create documents that validate to published formal grammars.			

3.3 Use style sheets to control layout and presentation.			
3.4 Use relative rather than absolute units in markup language attribute values and style sheet property values.			
3.5 Use header elements to convey document structure and use them according to specification.			
3.6 Mark up lists and list items properly.			
3.7 Mark up quotations. Do not use quotation markup for formatting effects such as indentation.			
6.5 Ensure that dynamic content is accessible or provide an alternative presentation or page.			
7.2 Until user agents allow users to control blinking, avoid causing content to blink (i.e., change presentation at a regular rate, such as turning on and off).			
7.4 Until user agents provide the ability to stop the refresh, do not create periodically auto-refreshing pages.			
7.5 Until user agents provide the ability to stop auto-redirect, do not use markup to redirect pages automatically. Instead, configure the server to perform redirects.			
10.1 Until user agents allow users to turn off spawned windows, do not cause pop-ups or other windows to appear and do not change the current window without informing the user.			
11.1 Use W3C technologies when they are available and appropriate for a task and use the latest versions when supported.			
11.2 Avoid deprecated features of W3C technologies.			
12.3 Divide large blocks of information into more manageable groups where natural and appropriate.			
13.1 Clearly identify the target of each link.			
13.2 Provide metadata to add semantic information to pages and sites.			
13.3 Provide information about the general layout of a site (e.g., a site map or table of contents).			
13.4 Use navigation mechanisms in a consistent manner.			
If you use tables	**Yes**	**No**	**N/A**
5.3 Do not use tables for layout unless the table makes sense when linearized. Otherwise, if the table does not make sense, provide an alternative equivalent (which may be a linearized version).			
5.4 If a table is used for layout, do not use any structural markup for the purpose of visual formatting.			
If you use frames	**Yes**	**No**	**N/A**
12.2 Describe the purpose of frames and how frames relate to each other if it is not obvious by frame titles alone.			
If you use forms	**Yes**	**No**	**N/A**
10.2 Until user agents support explicit associations between labels and form controls, for all form controls with implicitly associated labels, ensure that the label is properly positioned.			

12.4 Associate labels explicitly with their controls.			
If you use applets and scripts	**Yes**	**No**	**N/A**
6.4 For scripts and applets, ensure that event handlers are input device-independent.			
7.3 Until user agents allow users to freeze moving content, avoid movement in pages.			
8.1 Make programmatic elements such as scripts and applets directly accessible or compatible with assistive technologies [Priority 1 if functionality is important and not presented elsewhere, otherwise Priority 2.]			
9.2 Ensure that any element that has its own interface can be operated in a device-independent manner.			
9.3 For scripts, specify logical event handlers rather than device-dependent event handlers.			

Priority 3 Checkpoints

These guidelines **may be followed** to make it easier for most users to access web content.

In General	**Yes**	**No**	**N/A**
4.2 Specify the expansion of each abbreviation or acronym in a document where it first occurs.			
4.3 Identify the primary natural language of a document.			
9.4 Create a logical tab order through links, form controls, and objects.			
9.5 Provide keyboard shortcuts to important links (including those in client-side image maps), form controls, and groups of form controls.			
10.5 Until user agents (including assistive technologies) render adjacent links distinctly, include non-link, printable characters (surrounded by spaces) between adjacent links.			
11.3 Provide information so that users may receive documents according to their preferences (e.g., language, content type, etc.)			
13.5 Provide navigation bars to highlight and give access to the navigation mechanism.			
13.6 Group related links, identify the group (for user agents), and, until user agents do so, provide a way to bypass the group.			
13.7 If search functions are provided, enable different types of searches for different skill levels and preferences.			
13.8 Place distinguishing information at the beginning of headings, paragraphs, lists, etc.			
13.9 Provide information about document collections (i.e., documents comprising multiple pages.).			
13.10 Provide a means to skip over multi-line ASCII art.			
14.2 Supplement text with graphic or auditory presentations where they will facilitate comprehension of the page.			

	Yes	No	N/A
[14.3](#) Create a style of presentation that is consistent across pages.			
If you use images and image maps	**Yes**	**No**	**N/A**
[1.5](#) Until user agents render text equivalents for client-side image map links, provide redundant text links for each active region of a client-side image map.			
If you use tables	**Yes**	**No**	**N/A**
[5.5](#) Provide summaries for tables.			
[5.6](#) Provide abbreviations for header labels.			
[10.3](#) Until user agents (including assistive technologies) render side-by-side text correctly, provide a linear text alternative (on the current page or some other) for *all* tables that lay out text in parallel, word-wrapped columns.			
If you use forms	**Yes**	**No**	**N/A**
[10.4](#) Until user agents handle empty controls correctly, include default, place-holding characters in edit boxes and text areas.			