



**Electronic and Information  
Resources (EIR) Accessibility of  
Procured and Developed  
Technology Policy**

**ITPOL-038**

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Owner: [Chief Information Officer](#)

Report Errors: [itcompliance@uth.tmc.edu](mailto:itcompliance@uth.tmc.edu)

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## **1.0 POLICY STATEMENT**

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It is the policy of The University of Texas System and Health Science Center at Houston, UTHealth, that agency Electronic and Information Resources (EIR), including UTHealth websites that are developed, procured, maintained, or used by UTHealth directly and/or products provided by UTHealth vendors and/or service providers whose contract terms require the use of Electronic and Information Resources, shall be accessible to individuals with disabilities.

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## **2.0 ROLES AND RESPONSIBILITIES**

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<b>Role</b>	<b>Responsibilities</b>
<b>Employees, Faculty and Students</b>	Comply with the DIR Accessibility Rules, <u>UTS150</u> , and THIS policy related to EIRs in the development, procurement, and maintenance, or use of EIRs. Any request for an exception to the DIR Accessibility Rules, this program or procedures related to EIRs shall be submitted to the Accessibility Coordinator for review and processing.
<b>Information Technology Department</b>	Manage the hardware which supports UTHealth Web and mobile applications.
<b>Procurement Office</b>	The Procurement Office will: <ul style="list-style-type: none"><li>• Monitor the EIR purchasing process to ensure accessibility compliance,</li><li>• Secure relevant EIR documentation from IT staff,</li><li>• Request a VPAT and credible evidence of accessibility documentation from vendors during the formal bid process,</li><li>• Review vendor contracts for appropriate accessibility compliance language.</li></ul>

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<b>System Owners</b>	System Owners of official University Web and mobile applications will assist in the review and testing of those applications, developed or procured by UTHealth for accessibility compliance.
<b>UTHealth President</b>	Reviews and, if acceptable, approves any exception to the DIR Accessibility Rules.
<b>Application Developers</b>	Any UTHealth employee involved in creating or making direct changes to source code of a Web or mobile application. Test and remediate web and mobile applications procured by UTHealth for accessibility compliance.
<b>Accessibility Coordinator</b>	<p>The Accessibility Coordinator role is solely established to address EIR accessibility and compliance with the Texas Department of Information Resource (DIR) Accessibility Rules. The Accessibility Coordinator performs the following oversight actions for all EIRs at UTHealth:</p> <ul style="list-style-type: none"> <li>• Oversee and monitor development, support, maintenance and compliance with this policy and University-wide compliance with the DIR Accessibility Rules;</li> <li>• Notify the UTHealth community of procedures related to <ul style="list-style-type: none"> <li>○ the procurement of EIRs that support compliance with the DIR Accessibility Rules, and</li> <li>○ the development, maintenance and use of EIRs that support compliance with the DIR Accessibility Rules</li> </ul> </li> <li>• Monitor compliance with the DIR Accessibility Rules, this policy, and procurement procedures related to EIRs;</li> <li>• Develop and implement a plan by which EIRs and standards related to EIRs accessibility will be brought into compliance with the DIR Accessibility Rules, this policy and procedures related to EIRs;</li> <li>• Oversee and provide training opportunities on compliance with the DIR Accessibility Rules, this policy and procedures related to EIRs;</li> <li>• Review requests for exceptions to the DIR Accessibility Rules, policies and procedures related to EIRs.</li> </ul>
<b>Web Accessibility Coordinator</b>	The Web Accessibility Coordinator performs the following oversight actions of Web and mobile application accessibility at UTHealth:

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	<ul style="list-style-type: none"><li>• Oversee and monitor development, support, maintenance and compliance with <u>UTS150</u>, this program, and University-wide compliance with the DIR Accessibility Rules.</li><li>• Notify web and mobile application developer community of procedures related to the development, maintenance and use of EIRs that support compliance with the DIR Accessibility Rules.</li><li>• Oversee and provide training opportunities on compliance with the DIR Accessibility Rules, the <u>UTS150</u></li><li>• Review exception requests received from the Accessibility Coordinator for possible exception determination.</li></ul>
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### **3.0 SCOPE**

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As of September 1, 2006, unless an exception is approved by UTHealth’s President, or a specific technology is exempted by DIR, all new or changed mobile and web applications and Web content and all other EIR goods and services, developed, procured or significantly changed by UTHealth or vendors, must comply with the standards and specifications of UTS150 for Accessibility. Also included in the scope of this policy are non-IT contracts which require the use, to a significant extent, of an EIR in the performance of a service or the furnishing of a product.

EIRs include telecommunications products (such as telephones), information kiosks and transaction machines, websites, multimedia, and office equipment such as copiers and fax machines.

The term “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.

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EIRs aren't limited to those that are directly developed, procured, maintained, changed, or used by UTHealth, but also include EIRs developed, procured, or materially changed by a contractor of an institution of higher education, if the contract either requires the use of such EIRs or requires the contractor to use such EIRs, to a significant extent, in performing a service or furnishing a product.

EIRs are not limited to computer hardware or software, but also include 1) services performed on such hardware or software (such as support services), and 2) all electronic and information resources services provided through hosted or managed services contracts.

The standards included in this policy and procedures are intended to ensure accessibility for state employees, faculty members, students and members of the public.

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## **4.0 DEFINITIONS**

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<b>Term</b>	<b>Definition</b>
<b>DIR Accessibility Rules</b>	The Texas Department of Information Resources (DIR) adopted rules for institutions of higher education regarding the procurement, development, maintenance, and use of EIR to provide access to individuals with disabilities. These rules are Texas Administrative Codes (TAC) <a href="#">206</a> and <a href="#">213</a> . These TACs align closely with the federal accessibility standards in <a href="#">Section 508</a> of the Rehabilitation Act of 1973, as amended in 1998.
<b>Electronic Information Resources (EIR)</b>	Electronic and Information Resources (EIRs) which are defined by statute and rule, are information technology and any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, or deliver data or information.  EIR includes telecommunications products (such as telephones), information kiosks and transaction machines, websites, multimedia, and office equipment such as copiers and fax machines.

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	<p>The term does not include any <a href="#">equipment that contains embedded information technology</a> 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. <i>For example, thermostats or temperature control devices, and medical equipment that contain information technology that is integral to its operation, are not information technology.</i></p> <p>If the embedded information technology has an externally available Web or computer interface, that interface is considered EIR.</p> <p>EIRs aren't limited to those that are directly developed, procured, maintained, changed, or used by UTHealth, but also include EIRs developed, procured, or materially changed by a contractor of an institution of higher education, if the contract either requires the use of such EIRs or requires the contractor to use such EIRs, to a significant extent, in performing a service or furnishing a product.</p> <p>EIRs are not limited to computer hardware or software, but also include 1) services performed on such hardware or software (such as support services), and 2) all electronic and information resources services provided through hosted or managed services contracts.</p>
<b>Mobile Application</b>	See definition in <a href="#">ITPOL-037 Web and Mobile Application Development Policy</a>
<b>Web Application</b>	See definition in <a href="#">ITPOL-037 Web and Mobile Application Development Policy</a>

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<b>Exceptions</b>	Exceptions to the DIR Accessibility Rules are approved by the UTHealth President in accordance with this program. An Exception must be determined by the UTHealth President as necessary to avoid significant difficulty or expense to the University.
<b>Exemptions</b>	Statewide exemptions to compliance with the Texas DIR accessibility rules are granted by DIR and are posted on the <a href="#">Texas DIR Statewide EIR Accessibility</a> website.
<b>Voluntary Product Accessibility Template (VPAT)</b>	A tool used to document a product's conformance with the accessibility standards under <a href="#">Section 508</a> of the Rehabilitation Act. The purpose of the <a href="#">VPAT</a> is to assist Federal contracting officials and other buyers in making preliminary assessments regarding the availability of commercial "Electronic and Information Technology" products and services with features that support accessibility.
<b>Web Content Accessibility Guidelines (WCAG) 2.0</b>	<a href="#">WCAG 2.0</a> is a stable, referenceable technical standard. It has 12 guidelines that are organized under four principles: perceivable, operable, understandable, and robust. For each guideline, there are testable success criteria, which are at three levels: A, AA, and AAA. UTHealth adheres to the level AA criteria, which includes both A and AA levels.

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## **5.0 STANDARDS**

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UTHealth is responsible for ensuring EIRs procured or developed by the University meet accessibility requirements as defined below.

### **5.1 Procured EIR's**

All UTHealth procurement of electronic and information resources must comply with accessibility requirements contained in [1 TAC 213.38](#) and with [OGC Bulletin 2006-1](#).

The [procurement of information technology products](#) is handled through the UTHealth [Procurement Office](#).

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In accordance with [1 TAC 213.38](#) and [OGC Bulletin 2006-1](#), the UTHealth Procurement Office, in establishing procurement contracts for UTHealth, requires vendors make accessibility information available for every product under contract through one of the following methods regardless of contract value or purchase price

- The URL to completed Voluntary Product Accessibility Template (VPAT);
- An accessible electronic document that addresses the same accessibility criteria in substantially the same format as the VPAT or equivalent reporting templates; or
- The URL to a Web page which explains how to request completed VPATs, or equivalent reporting templates, for any product under contract, and
- Credible evidence of the contractor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, the contractor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results.

Information Technology staff will:

1. Collaborate and communicate with departmental staff involved in procuring EIR. Ensure accessibility review [process](#) is performed,
2. Request a VPAT and credible evidence of accessibility documentation from vendors.  
Contact the Accessibility Coordinator to review vendor contracts for appropriate accessibility compliance language.

Vendors will test their EIR products for accessibility, deliver credible evidence of accessibility and a VPAT to UTHealth's Procurement Office, deliver accessible EIRs to UTHealth, and ensure their EIR products or services are compliant with federal and state accessibility regulations.

## ***5.2 Developed EIR's***

Web and Mobile applications developed, owned, funded, or operated by or for UTHealth are subject to DIR's Accessibility Rules as specified in The University of Texas System ("UT System") Policy [UTS150](#) and should follow the processes set forth in the [ITPOL-37 Web and Mobile Application Development Policy](#) and [TAC 206.70](#). Application/System Owners and Developers are responsible for ensuring EIRs developed at UTHealth meet DIR Accessibility Rules.

## ***5.3 Required Documentation***

[Title 1, Rule 213.36 of the Texas Administrative Code](#) and [OGC Bulletin 2006-1](#) require that product support accessibility documentation of procured and in-house developed UTHealth web and mobile applications shall be maintained, made available to end users, and support services for products shall accommodate the communication needs of end-users with disabilities. Accessibility documentation includes software/application



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assessment and status, including non-compliance and risk acceptance of the non-compliance.

### ***5.4 Exceptions for Significant Difficulty or Expense***

In the event procured or developed EIR's are unable to meet the DIR Accessibility requirements, an exception to compliance can be requested by the System Owner. (See Section 6.0)

### ***5.5 Requests, Comments, Questions, and Contacts***

#### ***5.5.1 Reasonable Accommodation Requests***

For academic or workplace accommodations, employees, faculty and students, including those on campus or online, may submit requests for reasonable accommodation to the designated [Disability Coordinator](#) in the Human Resources Equal Opportunity (HR-EO) Office, or to a [Section 504 Coordinator](#) in the schools.

#### ***5.5.2 EIR Accessibility Comments***

UTHealth welcomes comments on how to improve accessibility for people with disabilities. If you use assistive technology and find that the format of any material on our web and mobile applications interferes with your ability to access the information, or if you have accessibility concerns regarding electronic and information resources (EIR), please contact the [Accessibility Coordinator](#).

#### ***5.5.3 Accessibility Questions***

If you have questions about accommodations, accessibility standards, call or email the designated contact in the list shown below. Relevant contacts are listed in Section 8.0 of this procedure.

<b>Type of Accessibility Question</b>	<b>Designated Contact</b>	<b>Name of Technical Contact</b>	<b>Telephone</b>	<b>Email</b>
UTHealth Academic and Workplace Accommodations	Human Resources – EO Advisor / Disability Coordinator	Deana Moylan	713-500-3279	<a href="mailto:Deana.K.Moylan@uth.tmc.edu">Deana.K.Moylan@uth.tmc.edu</a>
EIR Accessibility Coordination / Exception Requests	Accessibility Coordinator	Tammy Gardiner	713-486-3608	<a href="mailto:Tammy.M.Gardiner@uth.tmc.edu">Tammy.M.Gardiner@uth.tmc.edu</a>
Web Accessibility	University Web Communication	Jennifer L. Canup	713-500-3296	<a href="mailto:Jennifer.L.Canup@uth.tmc.edu">Jennifer.L.Canup@uth.tmc.edu</a>

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	ns, Executive Director			
Procuring Accessible Information Technology	Procurement Office, AVP	Eric Williams	713-500-4861	<a href="mailto:Eric.Williams@uth.tmc.edu">Eric.Williams@uth.tmc.edu</a>
Statewide Accessibility	Governor's Committee on People with Disabilities		512-463-5739	<a href="mailto:GCPD@gov.texas.gov">GCPD@gov.texas.gov</a>
Statewide Accessibility Standards	Texas DIR Statewide EIR Accessibility		512-475-4700	<a href="mailto:statewideaccessibilitycoordinator@dir.texas.gov">statewideaccessibilitycoordinator@dir.texas.gov</a>

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## 6.0 EXCEPTIONS

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Departments purchasing or developing EIRs will work with the Accessibility Coordinator to review any potential exceptions or Statewide exemptions applicable to the EIR being procured or developed.

An Exception Request shall include the following: a date of expiration; a plan for alternate means of access for persons with disabilities; justification for the exception including relevant cost avoidance estimates; and signature of the President.

Approved exceptions do not eliminate the University EIR owner's responsibility to provide access to the EIR by an alternate method or in an alternate format. Any request for an exception to the Texas DIR accessibility rules must be submitted to the UTHealth Accessibility Coordinator for review and processing, and the President's approval.

Exceptions require the departmental requestor complete and submit:

- 1) an [Equally Effective Alternate Access Plan](#) (EEAAP) form documenting an accessibility workaround, and
- 2) an [EIR Exception Request Form](#) with justification for exception to the Accessibility Coordinator for processing.

The Accessibility Coordinator submits the EIR Accessibility Exception Request Form to the University President for approval.

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## **7.0 ENFORCEMENT**

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Failure to purchase EIRs accessible to people with disabilities will result in the stoppage of the departmental requestor's EIR procurement. Failure to develop accessible web and mobile applications will result in the requestor's web or mobile application being taken down.

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## **8.0 CONTACTS**

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<b>Name of Technical Contact</b>	<b>Title or Office/Department</b>	<b>Telephone</b>	<b>E-mail</b>
Tammy Gardiner	Accessibility Coordinator / IT Risk and Compliance Manager	713-486-3608	<a href="mailto:Accessibility@uth.tmc.edu">Accessibility@uth.tmc.edu</a>
Jennifer Canup	Web Accessibility Coordinator / University Web Communications, Executive Director	713-500-3296	<a href="mailto:Accessibility@uth.tmc.edu">Accessibility@uth.tmc.edu</a>
Deana Moylan	Human Resources – EO Advisor / Disability Coordinator	713-500-3279	Deana.K.Moylan@uth.tmc.edu
Section 504 Coordinator Accessibility Workgroup	University Schools		<a href="#">Section 504 Coordinators</a>
Eric Williams	Procurement Office, AVP	713-500-4861	Eric Williams@uth.tmc.edu
Governor's Committee on People with Disabilities	Statewide Accessibility	512-463-5739	<a href="mailto:GCPD@gov.texas.gov">GCPD@gov.texas.gov</a>
Texas DIR Statewide EIR Accessibility	Statewide Accessibility Standards	512-475-4700	<a href="mailto:StatewideAccessibilityCoordinator@dir.texas.gov">StatewideAccessibilityCoordinator@dir.texas.gov</a>

## **9.0 REVISION HISTORY**

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<b>Author</b>	<b>Version</b>	<b>Reason For Change</b>	<b>Effective Date</b>
Tammy Gardiner, Jennifer Canup	1.0	Initial guidance document	02/04/2015
Rick Miller, Tammy Gardiner, Jennifer Canup	1.1	SOP and policy separated; ITSOP-013 with procedure details created.	05/12/2015
Rick Miller, Richard Rawson, Tammy Gardiner	2.0	Reviewed document with Procurement and made minor edits.	05/19/2015
Tammy Gardiner	2.1	Inserted NOTE after Step 2, and updated Section 6.0.	06/26/2015
Tammy Gardiner	2.2	Updated Scope to include non-IT contracts inclusion.	05/03/2016
Jennifer Canup, Tammy Gardiner	3.0	Revisions to Sections 2 through 9.	04/12/2018
Jennifer Canup, Tammy Gardiner	4.0	Revised "Procurement Office" and "IT Staff" responsibilities to clarify area role/responsibility requirements.	06/07/2018

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## **10.0 APPROVAL**

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Certified by Tammy M. Gardiner,  
IT Risk and Compliance Manager

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Approved by Richard L. Miller, CIO