**POLICY - GOING BEYOND**

**FEEDBACK**: “…*Their perspective is that UWM is already complying with legal requirements for instructional materials and the policy requires UWM to go beyond what is required by law currently. “ - Referencing the absoluteness of it.*

**DRAFT RESPONSE**: The UWM Accessibility Policy focuses on providing equal access to all students, employees and community members that use and visit our campus. It does not go beyond what is required for campus accessibility. The UWM Accessibility Policy embodies the requirements of the Federal laws including the Preamble to 1991 Title II: “Regulations should be interpreted to keep pace with developing technologies.” It incorporates the Wisconsin State Law that adhere to the standards set by the U.S. Access Board. It also affirms the UW System policies that “no otherwise qualified individual with a disability shall be denied access to or participation in any program, service, or activity offered by the universities” in addition, “the University of Wisconsin promotes the concept of [Universal Design](https://www.wisconsin.edu/disability-resources/universal-design-in-education-on-uw-system-campuses/) throughout the system. This concept holds that all designs should attempt to optimize usability for everyone, regardless of abilities... Everything is created to be as totally and universally accessible as possible. This includes the physical environment, the information environment and the curricular environment.” <https://www.wisconsin.edu/disability-resources/>

**RESOURCES**

**UW System**

<https://www.wisconsin.edu/disability-resources/>

The University of Wisconsin System is committed to making individuals with disabilities full participants in its programs, services and activities through its compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. The Board of Regents recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from the university’s programs, services and activities.

The University of Wisconsin System is a supporter of equal opportunities in education. [University of Wisconsin System Board of Regents on Policy Nondiscrimination on Basis of Disability §14-10 (*formerly §96-6*)](https://www.wisconsin.edu/regents/policies/discrimination-prohibited/) states, “no otherwise qualified individual with a disability shall be denied access to or participation in any program, service, or activity offered by the universities.”

In addition, the University of Wisconsin promotes the concept of [Universal Design](https://www.wisconsin.edu/disability-resources/universal-design-in-education-on-uw-system-campuses/) throughout the system. This concept holds that all designs should attempt to optimize usability for everyone, regardless of abilities. Universal design requires no prior knowledge of a disability. Everything is created to be as totally and universally accessible as possible. This includes the physical environment, the information environment and the curricular environment.

**Universal Design in Education on UW System Campuses**

[**https://www.wisconsin.edu/disability-resources/universal-design-in-education-on-uw-system-campuses/**](https://www.wisconsin.edu/disability-resources/universal-design-in-education-on-uw-system-campuses/)

The University of Wisconsin System is a supporter of equal opportunities in education. University of Wisconsin System Board of Regents Policy §96-6, Nondiscrimination on Basis of Disability states, “no otherwise qualified individual with a disability shall be denied access to or participation in any program, service, or activity offered by the universities.” It is therefore in everyone’s best interest that all UW System institutions advocate for the use of universal design in education.

The concept of accommodation is a “back-end” approach to meeting student needs. It is inefficient and more costly than universal design. Accommodation requires students to self-identify as having a disability and is intolerant of error. It is also inherently inequitable due to the fact that special services require special or 1:1 effort.

The concept of universal design holds that all designs should attempt to optimize usability for everyone, regardless of abilities. Universal design has been used in architecture through concepts such as curb cuts and ramps which have benefited all people. In a classroom, providing handouts in an accessible electronic format is also a method of universal design. Universal design requires no prior knowledge of a disability. Everything is created to be as totally and universally accessible as possible. This includes the physical environment, the information environment and the curricular environment. The hope is that all UW institutions will advocate to; 1) develop policies and procedures that support universal design, 2) plan on all levels to consider universal design principles, and 3) identify and support architectural, informational, and curricular experts on each campus to serve as resources in these areas. [ACCESS-ED Project: Universal Design Resources](http://www.r2d2.uwm.edu/cds2/access-ed.html)

[Conceptual White Paper on Universal Design in Education on UW-System Campuses](https://www.wisconsin.edu/disability-resources/universal-design-in-education-on-uw-system-campuses/UD_White-Paper-11.05.2004.pdf), November 5, 2004

**Regent Policy Document 14-10 *(formerly 96-6*): Nondiscrimination on Basis of Disability**

[**https://www.wisconsin.edu/regents/policies/discrimination-prohibited/**](https://www.wisconsin.edu/regents/policies/discrimination-prohibited/)

**Scope**

This policy applies to all educational programs, employment practices, and operations of the University of Wisconsin System and its institutions, and to the conduct of all students, faculty and staff that arises out of their employment or academic status, as well as to the conduct of all program participants, guests, visitors, vendors, contractors, subcontractors and others who do business with the UW System or its institutions.

**Purpose**

The purpose of this policy is to express the Board of Regents’ expectation that the UW System, its institutions and agents shall respect the rights of individuals under the Americans with Disabilities Act of 1990 (ADA), including changes made by the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act of 1973, The Wisconsin Fair Employment Act and other applicable state and federal laws that prohibit discrimination on the basis of a disability.

**Policy Statement**

It is the policy of the Board of Regents that discrimination on the basis of a disability is prohibited. No otherwise qualified individual with a disability shall be denied access to or participation in any program, service, activity or employment opportunity offered by the UW System or its institutions.

In addition, retaliation is prohibited against any person for exercising a right under federal or state disability laws or for assisting or supporting another in exercising such a right.

**Implementation**

**A. UNIVERSITY OF WISCONSIN SYSTEM**

The President of the UW System shall appoint and maintain an advisory committee to provide information and recommendations with regard to disability-related issues. The President shall also designate a person or office to be a resource to this committee, to act as a liaison to other agencies, and to assure that each institution has developed the procedures required by this policy. The UW System Administration shall maintain operational guidelines for implementing this policy.

**B. UW INSTITUTIONS**

Each UW System institution shall undertake the following initiatives:

1. Appoint an advisory committee, which includes students as members, to provide information and recommendations responsive to the needs and concerns of individuals with disabilities.
2. Implement policies, procedures or practices that are consistent with this policy and provide, at a minimum, the following:
	1. Notification of the institution’s policies, procedures and/or practices in regard to the rights and protections of qualified individuals with disabilities in employment and the educational setting. This information shall be readily available in accessible formats to prospective and current students and employees on the institution’s website.
	2. A procedure(s) pursuant to which an individual may notify an appropriate institutional representative that he/she has a disability and request a reasonable accommodation. This process shall include a method under which confidential health-related information will be collected and maintained in accordance with the law.
	3. A procedure for evaluating requests to use service animals or assistance animals on property owned or controlled by the institution.
	4. A procedure under which a person may file a complaint or grievance for alleged violations of this policy or institutional policies or practices. This process must ensure the prompt and equitable resolution of the complaint or grievance, should be applicable to any anticipated disability-related complaint, including an appeal of a denied accommodation request, and should provide for resolution by an administrative official or panel.
	5. A designated individual(s) in the appropriate units to coordinate efforts to implement and enforce the applicable policies, procedures and protections afforded to qualified individuals with disabilities.
3. Ensure that its facilities, including new and existing facilities, are accessible in a manner that is consistent with this policy and compliant with state and federal law.
4. Ensure that any University program, activity or event that occurs off-campus is readily accessible to all participants in accordance with state and federal law.
5. Ensure that its financial aid, admissions and enrollment practices, advising and placement services, and social organizations do not discriminate against individuals with disabilities.
6. Ensure that all physical education courses, athletic programs and related activities, taken as a whole, provide an equal opportunity for the participation of qualified individuals with a disability, in accordance with eligibility requirements and state and federal law.
7. Ensure that electronic and information technology resources are accessible to and usable by qualified individuals with disabilities.

In addition, each institution shall develop a process under which relevant statistical data and information can be collected, maintained and reviewed to assess the nature and extent of the services provided to individuals with disabilities in both an employment and educational setting. Each institution is also encouraged to provide training to faculty and staff in order to provide awareness and understanding of the legal rights of individuals with disabilities in regard to higher education.

**Oversight, Roles, and Responsibilities**

Each chancellor or his or her designee shall be responsible for implementing institutional policies consistent with this policy. System Administration staff will assist institutions in their efforts to implement this policy, to answer specific legal or policy questions, and to provide information and materials on the subject of disability law compliance that may be useful in the drafting of definitions and procedures or in preparing education programs.

**Federal Law**

[**https://www.3playmedia.com/2017/11/30/accessibility-laws-for-public-colleges/**](https://www.3playmedia.com/2017/11/30/accessibility-laws-for-public-colleges/)

**Section 508**

Section 508 mandates that federal agencies make electronic information accessible to members of the public with disabilities, as well as employees with disabilities. Section 508 applies to certain public colleges and universities that receive federal funding, such as through the Assistive Technology Act. Rehabilitation Act of 1973 Section 508 - all electronic and information technology developed, procured, maintained, or used by the federal government must be accessible.

U.S. Department of Justice/Civil Rights Division/Disability Rights Section

Accessibility of State and Local Government Websites to People with Disabilities

<https://www.ada.gov/websites2_prnt.pdf>

**Wisconsin State Law**

[**https://www.3playmedia.com/2017/07/31/wisconsin-state-accessibility-laws/**](https://www.3playmedia.com/2017/07/31/wisconsin-state-accessibility-laws/)

Wisconsin accessibility laws adhere to the standards set by the U.S. Access Board. <https://www.access-board.gov/guidelines-and-standards>

Guidelines and Section 504 of the Rehabilitation Act.

Making websites accessible - <http://www.wisconsin.gov/Pages/policies.aspx>

The state of Wisconsin promises to make “our websites and web applications accessible to all users, including people with disabilities.” State websites must meet the requirements outlined by Section 508 of the U.S. Rehabilitation Act. The act requires:

Text equivalents for images

Accessible forms

Flexible font sizes

Site functionality without a mouse

Limited use of Flash and JavaScript

Wisconsin accessibility laws adhere to the standards set by the U.S. Access Board.

The U.S. Access Board is a federal agency promoting equality for people with disabilities.

Under the U.S. Access Board, Wisconsin law states “Department of Justice’s (DOJ) ADA Standards apply to all facilities except public transportation facilities, which are subject to Department of Transportation’s (DOT) ADA Standards.”

The requirements outline “types of facilities covered, set effective dates, and provide additional scoping or technical requirements for those facilities.”

The Americans with Disabilities Act (ADA) was created to ensure equal opportunity for people with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.

Title II and III of the ADA relate to web accessibility for State and local entities. Title II applies to public entities such as meeting halls, airports, and police stations. It mandates that public entities cannot refuse to accommodate people with disabilities and must provide the necessary aids for such individuals to have equal access. Under Title II, public videos must also be accessible for individuals with disabilities.

Title III applies to places of public accommodation such as hotels, restaurants, museums, train stations, and movie theaters. Title III can even affect private entities like private universities and private companies. The Title states that individuals with disabilities are entitled to full and equal enjoyment of goods, services, facilities, or accommodations at any place of public accommodation.

Wisconsin also applies the ADA Standards which cover minimum requirements for accessible design. These standards apply to all “newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities.”

Guidelines and Section 504 of the Rehabilitation Act.

Making websites accessible

<http://www.wisconsin.gov/Pages/policies.aspx>

The state of Wisconsin promises to make “our websites and web applications accessible to all users, including people with disabilities.” State websites must meet the requirements outlined by Section 508 of the U.S. Rehabilitation Act. The act requires:

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