Policy on Equal Access to Emerging Technology

Policy Statement

Auburn University is committed to ensuring equal access to web information and technology for all its faculty, staff, and students. This standard establishes minimum guidelines for the accessibility of emerging technologies necessary to meet this goal and ensure compliance with federal regulations.

Scope

This policy applies to all information and hardware technology that is acquired, developed, distributed, used, purchased or implemented by any Auburn University unit to support university programs, services, or activities.

Standards

When procuring emerging technology to use in the classroom or in the workplace, we must thoughtfully consider the accessibility of the technology to ensure that Auburn University continues to provide an equitable and inclusive learning environment for students or employees with disabilities. Before deciding to use emerging technology, faculty and staff should consider the following questions as part of the assessment process:

- How does the use of the technology enhance the learning experience for the students?
- What benefits and opportunities are available to the students through the use of this technology?
- Has the developer of the technology considered accessibility?
  - Can the technology easily be made accessible?
  - Is an equivalent, accessible technology already available?

If the new technology is not accessible and there is no equivalent, accessible technology already available, the following questions should be asked:

- Will accommodations result in the same enhanced learning experience and/or benefits and opportunities as the new technology?
  - For example, an instructor cannot use inaccessible eBook readers in the classroom and assume that books on tape are an equitable accommodation for any students
with disabilities. In this case, the enhanced learning experience, benefits, and opportunities provided by the eBook reader would not be available to the students with disabilities, resulting in a discriminatory and inequitable learning environment. A more appropriate accommodation may be the use of light-weight tablet computers, which can also access the eBooks and use assistive technology, such as text to speech software and accessible controls for navigating the computer.

- Can the accommodations be made in a timely and efficient manner?
  - For example, a teacher plans to utilize an online forum for discussions of course material outside of class. The course material includes video clips. The teacher posts the video clips to the course website, but also ensures each video clip is captioned. Students with hearing impairments are able to access the information in the same time frame as the other students in the course thus preventing an inequitable learning environment.

FAQs

1. **Does this policy apply to students in the context of other disabilities, such as learning disabilities or mobility impairments?**

   Yes. Other disabilities, such as specific learning disabilities, may make it difficult for students to get information from printed sources (often called “print disabilities”). In its provision of benefits, services, and opportunities, a school must ensure that these students are not discriminated against as a result of inaccessible technology.

   **Example:** A student has a learning disability in reading but does not have impaired vision. The student is currently receiving audiobooks for her history class because she cannot readily process printed information. The school is replacing the history textbooks with electronic book readers as the principal means of conveying curriculum content, including all homework assignments. In this example, the electronic book readers provide greater functionality than audiobooks provide, with the result that an audiobook would not afford the benefits of the educational program in an equally effective and equally integrated manner. For this reason the school may not continue to rely on audiobooks to provide equal access to the curriculum.

2. **Does the policy apply to all school operations and all faculty and staff?**

   Yes. All school operations are subject to the nondiscrimination requirements of Section 504 and the ADA. Thus, all faculty and staff must comply with these requirements. Section 504 and the ADA require that covered entities designate at least one person to coordinate their compliance efforts, and that they adopt and publish grievance procedures to resolve complaints of noncompliance. In addition, postsecondary schools often designate certain staff or offices (sometimes referred to as disability student-services offices) to assist students with disabilities.
The law applies to all faculty and staff, not just a Section 504 or ADA coordinator or staff members designated to assist students with disabilities. All faculty and staff must comply with the nondiscrimination requirements of Section 504 and the ADA in their professional interactions with students, because these interactions are part of the operations of the school. So, for example, if an adjunct faculty member denies a student who is blind an equal opportunity to participate in a course by assigning inaccessible course content, the school can be held legally responsible for the faculty member’s actions. Therefore, schools should provide, and faculty and staff should participate in, professional development about accessibility and emerging technology, and about the role of faculty and staff in helping the school to comply with disability discrimination laws.

3. Does the policy apply when planning to use an emerging technology in a class or school where no students with visual impairments are currently enrolled?

A: Yes. Schools that are covered under Section 504 and the ADA have a continuing obligation to comply with these laws. Therefore, the legal obligations described in this policy always apply. Just as a school system would not design a new school without addressing physical accessibility, the implementation of an emerging technology should always include planning for accessibility. Given that tens of thousands of elementary, secondary, and postsecondary students have visual impairments and that the composition of the student body at a given school may change quickly and unexpectedly, the use of emerging technology at a school without currently enrolled students with visual impairments should include planning to ensure equal access to the educational opportunities and benefits afforded by the technology and equal treatment in the use of such technology. The planning should include identification of a means to provide immediate delivery of accessible devices or other technology necessary to ensure accessibility from the outset.

4. Must a school always provide the same form of emerging technology to a student who is blind or has low vision as it provides to all other students?

No: The legal duty imposed by Section 504 and Title II is to provide equal opportunity — that is, to provide the student who has a disability with access to the educational benefit at issue in an equally effective and equally integrated manner. As described more fully in Question 1, a school must apply this standard in determining whether the use of a particular technological device for a student with a visual impairment is appropriate.

Example: A school library plans to make electronic books available to students by loaning electronic book readers. The school does not, prior to purchase, make necessary inquiries about whether the book readers are accessible to students who are blind or have low vision.

The school subsequently determines that the book readers are not accessible. In an effort to ensure that the educational benefits, i.e., the same library books, are available in an equally effective and equally integrated manner to students with visual impairments, the school purchases a few small, light-weight tablet computers for the library. These tablet computers are designed to serve as a platform for electronic books, as well as other visual
and audio media. If the tablet computers can access those electronic books and have accessible text-to-speech functions that allow users to hear the on-screen content read aloud, navigate device controls, and select menu items with the same ease of use afforded by the electronic book readers to sighted students, the tablet computers will then provide the same content and functionality to students with visual impairments. In this example, the tablet computers have those features. As a result, the accommodation or modification would meet the standards articulated in the policy because it provides the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students, as well as meet the standards in the policy for ease of use.

The guidelines above are based on the document “Frequently Asked Questions about the June 29, 2010, Dear Colleague Letter” released on May 26, 2011. To see the document in its entirety please visit: http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.html#ftn1.

If you have questions regarding the accessibility of technology you or your department are considering, please contact:

- Office of Accessibility – 844-2096
- Office of Information Technology - 844-4794
- Office of AA/EEO & ADA – 844-4794

Definitions

Emerging Technologies – New technologies that are currently developing or will be developed which will substantially alter the educational and/or employment environment.

Assistive Technology - Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.

Text-to-Speech - Artificial human speech applications that are used to create a spoken sound from the text of an electronic document or program.