The University of Tampa

Equally Effective Alternative Access Plan (EEAAP)

# University of Tampa EEAAP

## Purpose

The purpose of this Equally Effective Alternate Access Plan (EEAAP) is to provide a plan to provide equally effective alternative access to people with disabilities when fundamental alterations or undue burdens apply to providing accessible resources. Equally effective alternate access does not necessarily mean providing the same *resources*, it means providing the same *opportunity* to gain a benefit or achievement.

“*To provide equally effective alternate access, alternates are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person’s needs.”* ([OCR Complaint No. 04-17-2381](https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04172381-b.pdf))

Section 504 prohibits individuals, on the basis of disability, from being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination by recipients of federal financial assistance. 34 C.F.R. § 104.4. Section 504 prohibits affording individuals with disabilities an opportunity to participate in or benefit from aids, benefits, and services that is unequal to the opportunity afforded others. 34 C.F.R. 104.4(b)(1)(ii). Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an Page 2 – Complaint #04-17-2381 equal opportunity to achieve the same result or the same level of achievement as others. 34 C.F.R. § 104.4(b)(2). An individual with a disability, or a class of individuals with disabilities, may be provided with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others. 34 C.F.R. § 104.4(b)(1)(iv). In sum, programs, services, and activities—whether in a “brick and mortar” on-line, or other “virtual” context—must be operated in ways that comply with Section 504.

Source: UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS, REGION IV

OCR No. 04-17-2381

<https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04172381-a.pdf>

When fundamental alteration or undue burden defenses apply, the Plan for New Content will require the University to provide equally effective alternative access.

Source: Resolution Agreement University of Tampa OCR Complaint No. 04-17-2381

<https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04172381-b.pdf>

It is for this reason the Equally Effective Alternative Access Plan was developed.

## How the Plan is provided

The plan focuses on teaching strategies and learning outcomes associated with the technology; the central question that must be answered by faculty is, “what” is the desired learning outcome – i.e., *what result are you seeking* – and what ideas are available to teach the material to the student who may not be able to use the technology –i.e., what will enable the person to obtain the *same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person’s needs*?

Additional information required includes:

1. Description of the issue
2. Responsible persons
3. How EEAA will be provided
4. Resources required
5. Repair information, if applicable
6. Timeliness

The additional information is required for the following reasons:

1. Description of the issue. In the University of Tampa’s Resolution Agreement for OCR Complaint No. 04-17-2381

## Typical Problems

1. If testing requires human examination, there are no two human auditors who will identify success or failure in the same way. *“Regardless of proficiency, there is a significant gap in how any two human auditors will identify a success or fail of criteria”*
2. *“Expertise appears to improve (by 19%) the ability to avoid false positives. Finally, pooling the results of two independent experienced evaluators would be the best option, capturing at most 76% of the true problems and producing only 24% of false positives. Any other independent combination of audits would achieve worse results.”*
3. *STRICTLY TESTABLE “*The requirement for strict testability for WCAG success criteria presents a structural barrier to including the needs of people with disabilities whose needs are not strictly testable.”

From the W3c Editors **DRAFT** 19 December 2019: Challenges with Accessibility Guidelines Conformance and Testing (as accessed 2 January 2020)

Reference:

UDL on Campus

<http://udloncampus.cast.org/page/policy_access>

<https://www.nfb.org/programs-services/center-excellence-nonvisual-access/higher-education-accessibility-online-resource>