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 providing accessible resources is at the cost of fundamental alterations or undue burdens. The goal of the plan is document how to provide an equal opportunity to a person with disabilities to be able to obtain the same result, or to be able to gain the same benefit, or to be able to reach the same level of achievement as a person without disabilities. (See Note 1). The plan also documents who is responsible for doing so.

## Overview

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:

1. **Description of the issue:** A description of the issue(s) is required because the on page 2 of #04-17-2381 (n.d.), Remedies and Reporting. Item number 2, a written statement of the reasons for reaching the conclusion that a fundamental alteration is required, or that the burden is excessive, is required. (See Note 4)
2. **Responsible persons:** Based on the recommendation of the model used Universal Design for Learning (UDL) in Higher Education, it lists persons responsible for providing the Equally Effective Alternate Access.
3. **How EEAA will be provided:** This is to address“how” 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*”, as described under the section on Legal Authority for Section 504 on page 2 of #04-17-2381 (January 9, 2018.).
4. **Timeliness:** A description of the issue(s) is required because the on page 1 of #04-17-2381 (n.d.), in which is addressed the ability of those with disabilities to “…enjoy the same benefits and services within the same timeframe as their nondisabled peers” (See Note 5)

## Description of the Issues

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)

## References:

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>

## Notes:

Note 1

“*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))

Note 2

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>

Note 3

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>

Note 4

Undue Burden and Fundamental Alteration. For any technology-related requirement in this Agreement for which the University asserts an undue burden or fundamental alteration defense, such assertion may only be made by the University President or by an individual designated by the University President who has budgetary authority after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirement and the available funding and other resources. The written statement will be certified by the determining official. If such a determination is made, the certifying official will describe in the written statement how it will provide equally effective alternate access, i.e., other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services provided by the University as their nondisabled peers.

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>

Note 5

Adherence to these accessible technology standards is one way to ensure compliance with the University’s underlying legal obligations to ensure individuals with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any University programs, services, and activities delivered online, as required by Section 504 and its implementing regulations; and that they receive effective communications with the University’s programs, services, and activities delivered online.

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>