This memorandum addresses the obligations of businesses, organizations, associations, or other entities to provide auxiliary aids and services to deaf or hard of hearing individuals who are attending events, conferences, or meetings, such as seminars, workshops, training, and other activities.

Discrimination based on disability is prohibited in places of public accommodation. This federal mandate is found in Title III of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12181 et seq. Companies or organizations which lease space in places of public accommodation for events, conferences, seminars or meetings must make sure those activities are accessible to persons with disabilities. In addition to physical access, the ADA requires such organizations to provide auxiliary aids and services to communicate effectively with individuals who are deaf or hard of hearing.

The U.S. Department of Justice has issued regulations explaining the requirements of the ADA, 28 C.F.R. Part 36, and written an Analysis, 56 Fed. Reg. 35544 (July 26, 1991):

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation.

28 C.F.R. § 36.201(a) (emphasis added).

Places of public accommodation include hotels, convention centers, stadiums and any other places of public gathering, 28 C.F.R. § 36.104. If a private company or organization holds a conference or show or otherwise leases space at a place of public accommodation, it also incurs obligations under the ADA:

Public accommodation means a private entity that owns, leases [or leases to], or operates a place of public accommodation.
The regulation states that a public accommodation "shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication" with individuals with disabilities. 28 C.F.R. § 36.303(c). Furthermore, a public accommodation:

... shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.

28 C.F.R. § 36.303(a).

The U.S. Department of Justice has defined the term "auxiliary aids and services" for deaf and hard of hearing individuals to include qualified interpreters. 28 C.F.R. § 36.303(b)(1). The term "auxiliary aids and services" also includes amplification, assistive listening systems, oral interpreters, captioning, and other methods of making aurally delivered material available to persons who are deaf or hard-of-hearing. The regulation defines a qualified interpreter as:

... an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

28 C.F.R. § 36.104.

However, the appropriate auxiliary aid or service will depend on the type of event and the needs of the participants with disabilities. The Department of Justice urges consultation with persons with disabilities, to ascertain the appropriate auxiliary aids or services.

The place where the event is held, such as a conference center or hotel, also has its own obligations to individuals with disabilities under the ADA. The ADA regulations explain that in some cases the respective allocation of obligations between the landlord and the tenant may be determined by contract:

Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.

28 C.F.R. § 36.201(b).

However, the Analysis to the Title III regulation indicates that the company or organization holding a conference (the tenant) has the primary obligation to provide auxiliary aids and services, such as qualified interpreters, real-time captioning (also called CART), or assistive listening devices at the conference:

... the landlord would generally be held responsible for making readily achievable
changes and providing auxiliary aids in common areas and for modifying policies, practices, or procedures applicable to all tenants, and the tenant would generally be responsible for readily achievable changes, provision of auxiliary aids, and modification of policies within its own place of public accommodation.

Analysis to U.S. Department of Justice Regulation to Title III of the Americans with Disabilities Act, 56 Fed. Reg. 35544 (July 26, 1991), at 35555, 35556.

For example, the hotel might assume responsibility for providing physical equipment such as a TDD telephone device or amplified telephones and amplification equipment for presentations, while the tenant sponsoring the conference or event might assume the responsibility for qualified interpreter services.

It is not permissible to charge an additional fee or "surcharge" to disabled persons to cover the costs of auxiliary aids or barrier removal. 28 C.F.R. § 301(c).

Source URL: http://www.nad.org/issues/education/other-opportunities/access-to-events
The Justice Department announced today that it has reached a settlement with Louisiana Tech University and the Board of Supervisors for the University of Louisiana System to remedy alleged violations of the Americans with Disabilities Act (ADA). The settlement resolves allegations that the University violated the ADA by using a version of an online learning product that was inaccessible to a blind student. The student’s lack of access to the course materials persisted nearly one month into the University quarter, at which point the student was so far behind in his coursework that he felt compelled to withdraw from the course. The settlement also resolves allegations that in a subsequent course, the same student was not provided accessible course materials for in-class discussion or exam preparation in a timely manner.

Under the settlement agreement, the university will adopt a number of disability-related policies, including the requirement to deploy learning technology, web pages and course content that is accessible in accordance with the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standard in the university setting. The university will also make existing web pages and materials created since 2010 accessible. The agreement also requires the university to train its instructors and administrators on the requirements of the ADA, and secured a total of $23,543 in damages for the student from the university and the Board.

"Emerging technologies, including internet-based learning platforms, are changing the way we learn, and we need to ensure that people with disabilities are not excluded or left behind," said Eve L. Hill, Deputy Assistant Attorney General for the Civil Rights Division.

"This a positive move by Louisiana Tech University and the Board of Supervisors. Their efforts reflect a commitment to ensuring that all individuals with disabilities have full access to the University," said Stephanie A. Finley, U.S. Attorney for the Western District of Louisiana.

The ADA protects individuals with disabilities from discrimination in the services, programs or activities of state and local government entities. Under Title II of the ADA, state and local governments must afford individuals with disabilities an equal opportunity to participate in or benefit from aids, benefits or services provided. For more information about the ADA, call the Department’s toll-free ADA Information Line at 800-514-0301 (TDD 800-514-0383) or access the ADA website at www.ada.gov.
COMPTROLLER'S MEMORANDUM 2010-28

TO: Heads of Departments and Agencies

SUBJECT: Policy Guidance on Web Site Accessibility

The State of Hawaii, Department of Accounting and General Services, Information and Communication Services Division (ICSD), has adopted the following policy relating to web site design and access to persons with disabilities.

POLICY

The Americans with Disabilities Act (ADA) of 1990 requires, in part, that state and local government entities ensure that all programs, services, or activities be accessible to persons with disabilities. Web sites are considered to be a program or service of government utilized to disseminate information to the public. Therefore, the State must ensure that these web sites are accessible to persons with disabilities.

Because the ADA does not contain any specific standards for web site accessibility, ICSD has established standards for the departments of the Executive Branch to meet the ADA requirements as set forth in the following technical guidelines.

Each agency’s home page should include contact information to allow the public an alternative means to ask questions or request additional information. At a minimum, contact information should include a phone number, fax number and general e-mail address. E-mails received by a state agency should be responded to within two (2) business days.

TECHNICAL GUIDELINES

A previous document from March 2003 to Data Processing Coordinators established the following minimum Section 508 guidelines, which are intended to ease access to State web sites and make them accessible to persons with disabilities.
All web-based intranet and internet information and applications should be designed following standards set forth in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d):

(a) A text equivalent for every non-text element shall be provided.

(b) Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.

(c) Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.

(d) Documents shall be organized so they are readable without requiring an associated style sheet.

(e) Redundant text links shall be provided for each active region of a server-side image map.

(f) Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.

(g) Row and column headers shall be identified for data tables.

(h) Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.

(i) Frames shall be titled with text that facilitates frame identification and navigation.

(j) Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.

(k) A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.

(l) When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by assistive technology.
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(m) When a web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with §1194.21(a) through (l).

(n) When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

(o) A method shall be provided that permits users to skip repetitive navigation links.

(p) When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

Questions about this policy should be directed to the Administrator of Information and Communication Services Division, Department of Accounting and General Services at (808) 586-1910 or by email at debra.a.gagne@hawaii.gov.

RUSS K. SAIITO
State Comptroller

c: Debbra Jackson, Planner/ADA Coordinator DCAB
Cindy Omura, Planner/ADA Coordinator DCAB
Francine Wai, DOH/DCAB
Charlotte Townsend, DOH/DCAB
Access Hawaii Committee
State of Hawaii Portal Manager
Mason Accessibility on the Web and Beyond

George Mason University is committed to providing comparable access to all programs and services to people with disabilities. This includes access to electronic information and services. All official Mason websites, applications, telecommunications and video and multimedia must meet Mason's web accessibility standards. These standards are based on the Web Accessibility Standards specified in Section 508 of the Rehabilitation Act. If this is not possible, reasonable accommodations will be made to provide these services or materials in an alternative format in a timely manner to ensure compliance with federal laws. The George Mason University website is defined to include any website using the "gmu.edu" address and/or is related to the University by development or added content of a GMU employee.

How is Mason Involved?

George Mason University became a partner with WebAIM in 2001 and later the Commonwealth of Virginia adopted accessibility regulations Section 508, part of the Rehabilitation Act and W3C in November 2005. We are charged with developing a plan for institutional coordination and reform to support web accessibility at the post-secondary level. George Mason University will act as a model for other universities.

National AHEAD Presentations

5.1 How to Manually Test a Website Without Technical Knowledge [PPT]
5.1 How to Manually Test a Website Without Technical Knowledge PPT [TXT file]
5.1 How to Manually Test a Website Without Technical Knowledge Checklist [PDF]
5.1 Resource Document - Simplified Standards [PDF]
5.1 Resource Document - Section 508 Tips for Web [PDF]

6.1 Creating an Accessible Document [PPT]
6.1 Creating an Accessible Document PPT [TXT file]
6.1 Creating an Accessible Document - Step by Step Guide [PDF]

Other documents and/or websites referenced during AHEAD presentations:

Free document conversion: SenusAccess
Assistive Technology Initiative Office
Faculty Checklist for accessible E-learning

NEWS

Free Web Accessibility Testing for all Mason related Websites.
Complete our Evaluation Request Form.

VA HEAT
For more information visit:
Campus Technology - Access Denied article
If you're interested please email us at ATI@gmu.edu
Subject: VA HEAT

Contact Us

Assistive Technology Initiative Office
4400 University Drive, MS 6A11, Aqua Building, Room 238 - Fairfax, VA 22030
Email: ati@gmu.edu
Phone: 703-993-4329
Teaching Faculty and Staff

George Mason University is setting the gold standard for the modern, public university. Its dynamic culture and innovative academic programs prepare Mason’s hard-working students for 21st century careers. Its commitment to teaching excellence combines with cutting-edge research that enriches the academic experience and is literally changing the world. Mason is committed to providing equal opportunity and an educational and work environment free from any discrimination, specifically students with disabilities.

Faculty at Mason are encouraged to become familiar with their rights and responsibilities.

The Faculty of Mason is committed to the retention of students while promoting academic success. Students are recruited to the university with the understanding that the Faculty is responsive to their needs and will provide accessible course(s) and reasonable accommodations. Providing accessible courses is a cooperative effort between Faculty and Assistive Technology Initiative.

Can you answer "YES" to any of these questions?
If you answered "YES", then you play a role including accessibility!

What can you do to help make your class and materials more accessible? Visit the Distance Education page and look at Common Tools for DE. You'll quickly see that you don't have to be teaching an online class to be using these tools! Want to see if the technology you are using in class is accessible? Please complete our form and we'll test it: New Classroom Technology Accessibility Evaluation Form

Questions? Contact Us, we're happy to help! ATI@gmu.edu

NEWS

Free Web Accessibility Testing for all Mason related Websites.
Complete our Evaluation Request Form.

VA HEAT
For more information visit:
Campus Technology - Access Denied article
If you're interested please email us at ATI@gmu.edu
Subject: VA HEAT

Contact Us