



29.01.04.E0.02 Digital Accessibility Exceptions

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Standard Administrative Procedure Summary

The Texas A&M Engineering Experiment Station (TEES) strives to make the digital services, programs, and activities used by students, faculty, and staff accessible for all.

TEES makes every effort to procure accessible hardware and software used in the workplace by faculty and staff to produce digital content for students and the public as well as making the equipment and learning platforms used for education and research accessible for all students by complying with ADA Title II, TGC 2054.460 and TAC 213 and 206. TEES develops and documents mitigation strategies for each identified risk. This Standard Administrative Procedure provides guidance for allowable exceptions for Information and Communication Technology (ICT) and digital content that are created, developed, purchased, or donated.

Procedures and Responsibilities

1. GENERAL

- 1.1 Purchasing hardware or software (including hosted services) for the Texas A&M Engineering Experiment Station (TEES) requires documenting the digital accessibility compliance of the products. TEES IT establishes touch points around accessibility compliance as part of contractual language, vendor management, and the project management lifecycle.
- 1.2 Buyers must contact vendors/manufacturers/donors for digital accessibility compliance documentation, add it to the AggieBuy requisition, and notify the TEES Digital Accessibility Officer (DAO).
- 1.3 The TEES DAO will review the documentation. Outcomes from that review include:
 - 1.3.1 If documentation is needed, the DAO will coordinate with the Buyer to request the vendor complete the contractually required documentation.



The Texas A&M University System

Texas A&M Engineering Experiment Station (TEES)

- 1.3.2 If all documentation is in order and the vendor meets an acceptable level of compliance, the DAO approves the request.
 - 1.3.3 If the vendor does not supply accessibility documentation or does not meet an acceptable level of compliance, the DAO will initiate the exception approval process.
 - 1.3.4 Records of decisions will be maintained by the TEES Digital Accessibility Officer according to records retention schedules.
- 1.4 Accessibility testing, planning, and execution criteria shall be documented for the project and accessibility testing shall be performed by a third-party testing resource or knowledgeable institution of higher education staff member to validate compliance with 1 Texas Administrative Code §206.70 whose developments costs exceed \$500,000 and that:
- 1.4.1 requires one year or longer to reach operations status;
 - 1.4.2 involves more than one institution of higher education or state agency; or
 - 1.4.3 substantially alters work methods of institution of higher education or agency personnel or the delivery of services to clients.

2. ACCESSIBILITY COMPLIANCE DOCUMENTATION

When procuring or renewing hardware or software, one or more of the following may be gathered from the vendor as accessibility compliance documentation:

- 2.1 Voluntary Product Accessibility Template (VPAT) – Completed by Vendor. Every hardware/software contract should have a recently completed VPAT called an Accessibility Compliance Report. (Some exceptions apply)
- 2.2 Vendor Accessibility Development Services Information Request (VADSIR) (if required) – Provided by vendor during solicitation responses to document skills and processes used internally related to development.
- 2.3 Policy Driven Adoption for Accessibility (PDAA) Vendor Assessment (if required) – Used as part of vendor solicitation responses describing how they are currently implementing accessibility policy and practices within their organizations.

3. DIGITAL ACCESSIBILITY RISK FACTORS



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To comply with State and Federal requirements, TEES has a plan for handling accommodations and complaints related to digital accessibility. Risk levels are determined by the scope of use.

- 3.1 Public and Student Use – Highest level of risk
 - 3.1.1 Public-facing digital content and mobile apps (e.g., Documents, PDFS, videos, and other digital content part of activities, programs and services related to TEES)
 - 3.1.2 ICT used by stud activities and services
 - 3.1.3 Social media content
- 3.2 Internal or Optional Use – Medium level of risk
 - 3.2.1 ICT used students (optional) – not required for learning
 - 3.2.2 ICT used by faculty/staff (required)
 - 3.2.3 All aspects of hiring and on-the-job tools (including training)
- 3.3 Indirect Use – Low level of risk
 - 3.3.1 ICT purchased for limited use or not required to perform job functions
- 3.4 Other – No Risk
 - 3.4.1 Software highly specialized to use specifically with hardware
 - 3.4.2 ICT without a direct user interface (i.e., backend systems)
 - 3.4.2 ICT used exclusively by a vendor
- 3.5 Variables should be considered when determining the need for documenting non-compliant ICT.
 - 3.5.1 Full Exception is required when ICT used to apply for, gain access to, or participate in the agency's services, programs, or activities.
 - 3.5.2 Limited Exception for ICT that is measured to be non-compliant and used by faculty/staff to author digital content and learning materials.
 - 3.5.3 Exception Not Required for ICT procured by TEES to be used exclusively by vendors.



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Texas A&M Engineering Experiment Station (TEES)**

4. ICT EXCEPTIONS

Exceptions for a material difficulty or expense pertaining to significant barriers to users under Texas Government Code §2054.460. These exceptions do not eliminate risks or the responsibility of TEES to provide an accessible solution or alternate means of access plan.

- 4.1 TEES funded research and procurement exceptions. Documented risk exceptions may be allowable under the following defined conditions.
 - 4.1.1 Legacy EIR. Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213 of this title, and the user interface has not been altered on or after April 18, 2020, shall not be required to be modified to conform to this revised rule.
 - 4.1.2 Hardware or software for which no equivalent accessible option is available.
 - 4.1.2 Hardware or software is specific to research or development for which no user requires accessibility accommodations.
 - 4.1.3 ICT product will only be used within a research group with 20 or fewer participants (principal investigator, staff, and students) and it is not publicly available through a Texas A&M website.
 - 4.1.4 Undue burden (i.e., difficulty or expense) to bring into compliance.
 - 4.1.5 A contract for a service such as data research and analysis for which the end-product is a limited distribution report.
 - 4.1.6 Software that is required to operate equipment, is integrated into the equipment, and without which the equipment does not function (Example: oscilloscope, electronic microscopes).
 - 4.1.7 TEES trusted partner software donations require a VPAT/ conformance report requested from the donor. The donated product will be evaluated for conformance.

5. DIGITAL CONTENT, WEBSITES AND MOBILE APPS EXCEPTIONS

As defined by the ADA Title II update for websites and mobile applications, the following are allowed exceptions under that provision but must be made accessible if requested.



The Texas A&M University System

Texas A&M Engineering Experiment Station (TEES)

- 5.1 Archived web content are not required to meet WCAG 2.1 Level A and AA, but must meet WCAG 2.0 Level A and AA
 - 5.1.1 The content was created before the date the state or local government must comply with this rule, or reproduces paper documents or the contents of other physical media (audiotapes, film negatives, and CD-ROMs for example) that were created before the government must comply with this rule, AND
 - 5.1.2 The content is kept only for reference, research, or recordkeeping, AND
 - 5.1.3 The content is kept in a special area for archived content, AND
 - 5.1.4 The content has not been changed since it was archived.
- 5.2 Preexisting conventional electronic documents are not required to meet WCAG 2.1 Level A and AA, but must meet WCAG 2.0 Level A and AA
 - 5.2.1 The documents are word processing, presentation, PDF, or spreadsheet files; AND
 - 5.2.2 They were available on the state or local government's website or mobile app before the date the state or local government must comply with this rule.
- 5.3 Content that is posted by third parties on a TEES hosted website or mobile app not part of a contractual arrangement (i.e., message boards)
- 5.4 Individualized documents that are password protected
- 5.5 Preexisting social media posts (prior to April 24, 2026) are required to meet WCAG 2.0 Level A and AA accessibility requirements

6. REVIEW AND APPROVAL

- 6.1 For each exception request, the TEES DAO includes documentation of the situation and routes the request for review and approval. Documentation must include:
 - 6.1.1 Requestor information (Project Manager, Program/Division)
 - 6.1.2 Date of discovery and description of inaccessible digital resource (i.e., audience and scope)
 - 6.1.3 Length of the exception (between 12 months to end of contract)



The Texas A&M University System

Texas A&M Engineering Experiment Station (TEES)

- 6.1.4 Justification¹ for the exception (e.g., technical barriers, costs, program impact, risks)
- 6.1.5 Descriptions of options explored (i.e., alternative software or solutions)
- 6.1.6 Alternative means of access or alternative compliance methods
- 6.2 When an acquisition meets the parameters of sections 2 or 3 above, the acceptance of risk shall be documented and archived by the TEES DAO. The digital resources in question shall be reviewed annually, or as prescribed in the Accessibility Exception form, or at end-of-life to determine if the parameters still apply.
- 6.3 When an acquisition does not meet the parameters described in sections 2 or 3 above or the vendor conformance report indicates lack of compliance and the need for the acquisition is justified by the requisitioner, a formal Exception Request shall be initiated by the TEES DAO, or designee, on behalf of the resource owner. The Exception Request shall be approved by the TEES Agency Director or designee and recorded and archived by the TEES DAO.

7. ACCOMODATIONS AND ALTERNATIVE MEANS OF ACCESS

- 7.1 Accommodation requests will be addressed on a case-by-case basis. When an accommodation is presented, the department will collaborate with University Department of Disability Resources, or TEES HR as appropriate, to determine the best means for providing an equivalent experience depending on the nature of the requested accommodation.

Related Statutes, Policies, or Requirements

[Rule 29.01.04.E0.01 Digital Accessibility](#)

[Americans with Disabilities Act of 1990 \(ADA\), as amended](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[Section 508 of the Rehabilitation Act of 1973, as amended](#)

[Texas Government Code 2054, Subchapter M](#)

[Texas Administrative Code 206](#)

[Texas Administrative Code 213](#)

Definitions

ADA

The Americans with Disabilities Act (ADA) was the first major legislative effort to secure

¹ Exceptions for significant barriers to users under Texas Government Code §2054.460.



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an equal playing field for individuals with disabilities.

- Title I Employment addresses software and hardware used in the workplace
- Title II State and Local Government Activities prohibits disability discrimination by all public entities at the federal, state, and local level.
- Title III covers commercial entities that operate the physical building requirements for public accommodations — such as hotels, libraries, museums, train stations, airports, restaurants, movie theaters, retail stores, and hospitals.
- Title IV of the ADA covers telephone and television access for people with hearing and speech disabilities.

Alternative access - provide users with disabilities with content that is similar or identical to that provided to users without disabilities, but in a format that produces a different user experience ([Section 508 Glossary](#)).

Accessibility Conformance Report – a VPAT completed by a vendor or a formal statement provided by a vendor attesting that a product does or does not conform to Section 508 standards.

Conventional electronic documents - web content or content in mobile apps that is in the following electronic file formats: portable document formats (“PDF”), word processor file formats, presentation file formats, and spreadsheet file formats.

Equivalent access - Equivalent access provides users with disabilities with content that is similar or identical to that provided to users without disabilities, in a form that produces a similar user experience ([Section 508 Glossary](#)).

Electronic Information Resources (EIR) – Includes information technology and any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, or deliver data or information. EIR includes telecommunications products (such as telephones), information kiosks and transaction machines, web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, thermostats or temperature control devices, and medical equipment that contain information technology that is integral to its operation, are not information technology. If the embedded information technology has an externally available web or computer interface, that interface is considered EIR. Other terms such as, but not limited to, Digital Resources, Information and Communications Technology (ICT), Electronic



The Texas A&M University System Texas A&M Engineering Experiment Station (TEES)

Information Technology (EIT), etc. can be considered interchangeable terms with EIR for purposes of applicability or compliance with this chapter. (TAC 213.1)

Information and Communication Technology (ICT) - ICT refers to technologies that provide access to information through telecommunications. Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT: computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; websites; videos; and electronic documents. ICT supersedes Electronic and Information Technology (EIT).

Mobile applications (“apps”) - software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets.

Policy Driven Adoption for Accessibility (PDAA) Vendor Assessment - A PDAA is a vendor self-assessment template for digital resources solicitation responses. The template provides a valuable way to evaluate vendors bidding on contracts to develop information technology where there is no product yet to evaluate.

Vendor Accessibility Dev Services Info Request (VADSIR) - VADSIR is provided by a vendor during solicitation responses to document skills and processes around digital accessibility program maturity related to product development.

Voluntary Product Accessibility Template (VPAT™) - a document that explains how electronic and information resources such as software, hardware, electronic content, and support documentation meet (conform to) the [Revised 508 Standards](#) for IT accessibility. VPATs™ help agency contracting officials and buyers assess EIR for accessibility when doing market research and evaluating proposals.

Contact Office

Engineering Information Technology
(979) 458-8697



APPENDIX

Reference: [Federal OPM guidance](#)

Two exceptions to procurement of EIT. If there are no products that meet the business requirements, including timeliness, and are [not] compliant, then a compliant product is deemed to be not commercially available. In this case, a non-compliant product may be procured. This non-availability must be documented and be retained in the procurement file and is subject to audit. If there are products that meet the business requirements and that meet some, but not all, of the standards, then the product that best meets the standards should be procured.

When a non-compliant product is procured, the program office must identify and be prepared to provide equivalent facilitation or alternative means. Equivalent facilitation is defined as substantially equivalent or greater access to and use of a product for people with disabilities. Alternative means is defined as providing individuals with disabilities with access to the information or data involved by an alternative media, format, or technology that allows the individual to use the information or data.

The second exception to procuring compliant technology relates to an undue burden to provide a compliant product. An undue burden is defined as a significant difficulty or expense. Factors that must be considered when assessing undue burden or hardship include the difficulty or expense of compliance and the agency resources available to its program or component for which the supply or service is being acquired (Federal Acquisition Regulations 48 CFR 39.204(e)). The undue burden must be documented and must explain why the EIT is not compliant, why it cannot be made compliant, and what actions are being taken to provide the information in an alternative format (i.e., equivalent facilitation or alternative means). A Deputy Associate Director or equivalent senior manager must request approval of the undue burden determination, and the request must be submitted to CIS for review as part of the Section 508 assessment process. CIS will coordinate approval of the undue burden determination with the Contracting, Facilities, and Administrative Services Group and the Office of the General Counsel. Undue burden determinations that have a significant impact may require approval by the Director.