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Digital Accessibility Policy

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I. REASON FOR THIS POLICY

This Policy establishes guidelines so the University’s websites, mobile apps, digital documents, and online services are usable by people with disabilities and meets ADA Title II web accessibility rules. Without this policy, units procure, design, and publish digital content inconsistently resulting in increased risk, effort, cost, and barriers to participation in university programs and activities. The Policy sets a uniform application of practices and procedures that define the minimum criteria for accessible content in digital format. It is driven by legal and regulatory obligations under the Americans with Disabilities Act (ADA) Title II implementing regulations (28 C.F.R. part 35, including the new web/mobile accessibility requirements) and alignment to WCAG 2.1 Level AA.

II. STATEMENT

The University of South Dakota is committed to providing a website that is accessible to the widest possible audience, including individuals with disabilities, and that complies with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, and other applicable federal and state laws and regulations. The University strives to have its website and other electronic resources provided to students, employees and

visitors conform to the best practices and criteria defined in the W3C's Web Content Accessibility Guidelines (WCAG) 2.1 Level AA.

Digital accessibility issues will be handled by the Office of Accessibility at Accessibility@usd.edu. The University of South Dakota strives to address any barriers to access in a timely manner.

The scope of this Policy applies to all digital content offered to the public (students, faculty, staff, and visitors)

III. DEFINITIONS

- a. **Assistive technology** is any hardware or software that helps people with disabilities perceive, operate, or understand digital content, e.g., screen readers, refreshable braille displays, screen magnifiers, speech input, and switch devices.
- b. **Conforming alternate versions** is when the entity provides a separate accessible version of content only in limited technical or legal circumstances rather than remediating the inaccessible version.
- c. **Digital accessibility** means people with disabilities can equally use web and mobile content and it meets compliance to WCAG 2.1 AA.
- d. **Digital accessibility standard** is the standard officially adopted by the University of South Dakota which is WCAG 2.1 AA.
- e. **Digital content** is the information and interface users interact with on the online, e.g., web pages, documents, images, audio/video, forms, and app-like components including the underlying structure, text alternatives, and controls that make it usable with assistive technologies.
- f. **Title II Web and Mobile Accessibility** (effective April 24, 2024) is a Department of Justice rule covering web content and mobile apps to conform to WCAG 2.1 Level AA
- g. **Voluntary Product Accessibility Template** (VPAT) is a standardized vendor document that reports how well a software product meets accessibility requirements (WCAG), including where it supports, partially supports, or does not support each criterion.
- h. **Web Content Accessibility Guidelines** (WCAG) are internationally recognized standards from W3C for making digital content perceivable, operable, understandable, and robust for people with disabilities.

IV. PROCEDURES

- a. All USD controlled web content, mobile applications, course materials, and third-party software applications under contract with the university shall meet conformance to WCAG 2.1 level AA and be fully compliant by April 24, 2026.

- b. All digital course materials posted in D2L, e.g., syllabi, documents, HTML, videos, images, accessed by university students shall meet the USD digital accessibility standard. For active legacy course materials where full remediation is not feasible, the university should plan to provide alternative accessible means while planning remediation steps.
 - 1. Content created by students for "University business" such as work-study jobs, university-sponsored clubs, or assignments that become part of the shared course materials (e.g., posted on a class website for all students to review) which contribute to the core learning outcomes of the course must meet the digital accessibility standard.
- c. Third party courseware under contract with the university and/or adopted publisher materials integrated into courses shall meet the digital accessibility standard including e-books.
- d. All multimedia streamed in real-time or post-production, shall have captions available, or alternative means such as a transcript, and hosted on platforms that meet the accessibility standard.
- e. Third-party web and mobile applications and digital products provided on behalf of the university and contracted by the university shall meet the digital accessibility standard as determined by a pre-acquisition review. Procurement contracts and third-party software agreements should include accessibility requirements so that exceptions are minimized.
 - 1. Where the university does not have ability to source a third-party technology that meets the digital accessibility standard, the university will require that the vendor commit to and provide a roadmap or plan to complete its remediation of all barriers within six months of acquisition, and the university will provide interim alternate measures until the technology has been verified as meeting the standard.
 - 2. Before determining a winning proposal or bid, the university will strive to select the product that most closely conforms to the university's adopted digital accessibility standard.
 - 3. The university will engage in independent testing, or confirm the validity, of any vendor provided accessibility testing of its own product.
- f. All webpages provided on behalf of the university must meet the digital accessibility standard and will undergo periodic audits and testing to determine conformity.
- g. Social media content posted by or on behalf of the university by staff must meet the digital accessibility standard as part of the university's services, programs, or activities. Posts prior to April 24, 2026, are no longer part of active communications and considered archived and

accessible alternatives will be provided upon request. Posts made by the public are not required to meet the digital accessibility standard.

- h. Digital documents and forms posted or linked online, or in course shells, must meet the digital accessibility standard.
- i. Archived content shall meet the definition of archived digital content, and such content may not need to meet digital accessibility standards. An accessible equivalent will be provided upon request.
- j. Conforming alternate versions are allowed, but only rarely and justified. The university must offer an accessible version if requested.
- k. A minor failing of the digital accessibility standard as determined in the review process is allowed where there is no impact to equal access only if the university can demonstrate that a failure of WCAG 2.1 AA is so minor that it does not change a person with a disability's access to the content or application. The university must document the analysis and justification and provide alternate accessible means if needed.
- l. Fundamental alteration exception is allowed when compliance to the standard would fundamentally alter the nature of the service, program, activity, or course. A documented analysis with rationale must be recorded and the university must provide an alternative accessible means if needed.
- m. Undue burden exception is allowed when compliance to the standard would impose an undue burden to the program, activity, or course and is subject to legal counsel approval and ADA Title II analysis. A documented analysis with rationale must be recorded, and the university must provide an alternative accessible means if needed.
- n. Password protected or restricted access content made to specific individuals such as internal communication, may be treated differently than public content and applies only if the content is not intended for public access and it is part of internal staff-only systems, and equivalent access is already provided to employees or students with disabilities through other compliant means.
- o. The university must adhere to the archived content definition of this policy.
- p. Archived web content exception: Web content that meets the definition of "archived web content" is not required to conform to WCAG 2.1 Level AA under 28 C.F.R. part 35, subpart H, provided all of the following are true:
 1. The content was created before April 24, 2026, or it reproduces paper documents or the contents of other physical media (e.g., audiotapes, film negatives, CD-ROMs) created before the compliance date; and
 2. The content is retained only for reference, research, or recordkeeping; and

3. The content is stored in a dedicated area (or areas) clearly identified as archived; and
 4. The content has not been altered since it was archived.
Note: Other Title II obligations (e.g., effective communication) may still require providing access to archived content in an accessible format upon request or as needed.
- q. The university will develop and maintain a digital accessibility plan regarding how it intends to maintain accessibility of online services, programs, and activities that includes the following features:
1. Testing and remediation protocols
 2. Procurement protocols
 3. Ongoing training for web developers, procurement officials, and content creators.
 4. Designation of responsibility(s) and practices at org unit level.
 5. Sourcing of funding to support ongoing efforts.

V. RELATED DOCUMENTS

- a. [USD Web Accessibility Statement](#)
- b. [ADA Title II Web Content Accessibility Requirements for State and Local Government Entities](#)
- c. [Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments](#)