

Licenses & Accessibility: Process for Working with Vendors used at the University of Washington

Background

The UW Libraries is committed to providing equitable service and access to information for all our users. A major area of concern is the accessibility of our electronic resources. Purchasing and subscribing to inaccessible library e-resources goes against our commitment to providing equitable access to information. The Accessibility Working Group supports and promotes the Libraries' accessibility efforts in many ways, including testing e-resources for basic keyboard navigation functionality: <https://www.lib.washington.edu/services/accessibility/testing/>.

The [Accessibility Working Group](#) is reaching out to vendors with the testing results and providing an opportunity to work with us to improve the accessibility compliance of their products. This is the first step in working with vendors to achieve a greater awareness of the importance of making electronic resources accessible to all our users. The next step involves working with vendors to include accessibility assurances in contracts, if a resource does not meet basic standards.

Process

For existing resources 3 months prior to renewal date:

- Check the (internal document) E-Resource Testing spreadsheet for results.
 - If the resource has not been tested, add it to the spreadsheet.
- Check for a VPAT on file

If the resource fails keyboard navigation testing and/or the vendor does not have a VPAT:

- Notify the vendor of our [Licensing Principles and Expectations](#):
 - Licensors shall ensure their resources are accessible and comply with the Americans with Disabilities Act (ADA), by supporting assistive software or devices such as large print interfaces, text-to-speech output, voice-activated input, refreshable braille displays, and alternate keyboard or pointer interfaces, in a manner consistent with the Web Accessibility Initiative Web Content Accessibility Guidelines (WCAG) 2.1, Level AA. Licensors should provide a current, accurate, completed WCAG Voluntary Product Accessibility Template (VPAT) - 2.3 or higher - to demonstrate compliance with accessibility standards.

- Request including language* in the license agreement that protects us from potential risk:
 - An affirmation that the vendor plans on making efforts to improve accessibility
 - The vendor will indemnify the UW Libraries against any lawsuits that might arise from the resource being inaccessible
- Keep a record of resources that are not accessible and contact vendor earlier (at least 3 months in advance of renewal date) to re-visit above.
- Ask Subject Specialist for assistance in determining how to proceed with future renewals. Information that would be useful may be gleaned from the following questions:
 - is there an alternative resource to the one that is not compliant?
 - is the resource critical to the department/user community and there is no alternative?
 - do you have the ability to contact the vendor directly to suggest they take measures to improve the platform?

We do not plan to cancel/not renew a resource if the vendor does not comply, but their response will be tracked. We'll continue to encourage them to commit to complying with federal ADA and State of Washington accessibility requirements. Their response may be used as a factor in future decision making.

* SAMPLE LANGUAGE:

In lieu of a VPAT, would you be able to make a commitment to addressing the accessibility of the website and strive to make modifications over the next year? If so, that would be very helpful to us. Also, would it be possible add this language to our agreement:

Licensee may alter or modify the Licensed Materials as necessary to provide an equivalent level of access to Authorized Users with disabilities. Licensor shall indemnify, defend, and hold the University, the State of Washington, and their respective Trustees, Employees, agents, and servants harmless for any fines, penalties, expenses, or awards related to any claims related to failure to maintain ADA compliance, including attorneys' fees, and requests for accommodations.

NOTE:

The process is based on the one used by [UW Procurement Services](#) which requires at a minimum, vendors are willing to make a commitment to address their accessibility problems. Without this commitment, using the product may place the University at risk for discriminating against some of its students, employees, and/or visitors.

For new resources:

- Check accessibility during the trial phase.

Additional Resources

- [UW Policy–IT Accessibility](#)
- [Washington State Policy #188](#)
- [UW Administrative Policy Statement 2.3](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Americans with Disabilities Act as amended](#)
- [UW Executive Order No. 31](#)
- [Payan v. Los Angeles Community College District](#)
- [Implications for Higher Education of the Americans with Disabilities Act and Section 508 of the Rehabilitation Act Amendments of 1998](#)