

ADA & 504 Considerations



Accessibility of Web Content & Mobile Apps

Considerations for ADA Title II and HHS Section 504 Updates

Introduction

The 2024 updates for both the Americans with Disabilities Act (ADA) Title II and the Rehabilitation Act of 1973 section 504 (Section 504) greatly expand expectations for digital accessibility in most public and many private institutions. All public colleges and universities, and many private ones, have (or are creating) local compliance plans and checklists for campus-wide efforts. This document is not a checklist because local guidelines will fulfill most generalized checklist needs.

Instead, this document explores proposed connections and questions to consider for some of the more complex or situational aspects of digital accessibility for web content and mobile apps provided by academic libraries. The questions are organized in three sections (organizational commitments, contextualizing content, and cooperative relationships), which offer perspectives to identify how a library's local contexts align with the updated regulations. Because the questions cross multiple areas of library work, responses will likely be contributed by multiple library workers.

Companion documents for both the [ADA Title II updates](#) and the [Section 504 updates](#) summarize the final rules and highlight sections that are especially relevant to academic libraries.

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Organizational Commitments

While academic libraries have similar services, programs, and activities, we communicate our core priorities through our organizational commitments, which we identify through our mission, vision, and values statements; strategic plans and initiatives; and policies and procedures. Reviewing these organizational commitments can help establish action plans for improving the digital accessibility of our web content and mobile apps¹.

What are your library's mission, vision, and values statements? (List or link below.)

What are your library's strategic themes or initiatives? (List or link below.)

What are the subjects of your policies and procedures? (List or link below.)

How do your library's web content and mobile apps align with your core services, programs, or activities as identified by your organizational commitments?

Do you know if your library's web content and mobile apps are readily accessible to and usable by all users, regardless of any disability (sight, cognitive, hearing, and/or movement)? Do you know if all users can access the content and apps "quickly, easily, independently, privately, and equally"?

For web content and mobile apps with unknown accessibility, what are the priority areas as identified by your organizational commitments?

¹ Per both the ADA Title II and Section 504 updates:

- "*Web content* means the information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions. Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents." ([ADA](#); [Section 504](#))
 - "*Conventional electronic documents* means 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." ([ADA](#); [Section 504](#))
- "*Mobile applications* ("*apps*") means software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets." ([ADA](#); [Section 504](#))

Contextualizing Content

Academic libraries provide many different types of web content and mobile apps that members of our communities access and use in a variety of ways and for a variety of purposes. Library workers may define such content based on local contexts and situations, such as format types, user needs, and subject areas. The DOJ and HHS narrowly define the exceptions by focusing on how users interact with web content. The following questions invite reflections on libraries' local creation, collection, and use of web content and mobile apps, while incorporating the exceptions' definitions.

What are the types of web content and mobile apps that your library provides or makes available?

How do students, faculty, staff, library workers, and/or public visitors use your web content or mobile apps from the context of applying for, gaining access to, or participating in your library's services, programs, or activities?

Do any of the types of web content or mobile apps meet the exception requirements ([ADA; Section 504](#))?

Archived web content. Is the content (1) created before the compliance date, or reproducing paper documents or the content of other physical media created before the compliance date; (2) retained exclusively for reference, research, or recordkeeping; (3) not altered or updated after the date of archiving; and (4) organized and stored in a dedicated area or areas clearly identified as being archived?

Preexisting conventional electronic documents. Is the content (1) created before the compliance date (and not updated); (2) in one of four electronic file formats – portable document (PDF), word processor, presentation, and spreadsheet file formats; and (3) not currently used to apply for, gain access to, or participate in your services, programs, or activities?

Content posted by a third party. (1) Is the content posted by a third party who is unaffiliated with the library or institution? (2) Do you confirm the content was not provided due to contractual, licensing, or other arrangements? (3) Do you confirm the content was not posted by the library or institution even if originally created by a third party?

Individualized, secured conventional electronic documents. Is the content (1) in one of four electronic file formats – portable document (PDF), word processor, presentation, and spreadsheet file formats; (2) about a specific person, property, or account; and (3) password-protected or otherwise secured?

Preexisting social media posts. Is the content part of social media posts from before the compliance date?

Does the responsibility² for remediating inaccessible web content or mobile apps require working with a third-party provider to achieve full accessibility? If so: (1) What is the process to communicate accessibility issues with the third-party provider? (2) How does the third-party provider share updates when known accessibility issues are resolved? (3) What is the language in the license agreement regarding accessibility requirements, which may also include warranty, disclaimer, and indemnification clauses?

What are the general operational workflows for your library's web content and mobile apps? (How do you acquire, collect, create, curate, develop, maintain, etc., your web content and mobile apps?)

How do the operational workflows include accessibility considerations?

Would remediating inaccessible web content or mobile apps create a fundamental alteration to any of the operational workflows? Or, would the remediation process create undue financial and administrative burdens? What is your institution's process for coordinating with the head of your identified entity ([public entity per ADA](#); [recipient per Section 504](#)) to make this determination and prepare a written statement?

² Both the DOJ and HHS emphasize that identified entities are responsible for the accessibility of all web content and mobile apps they provide or make available, **including** "through contractual, licensing, or other arrangements" ([ADA](#); [Section 504](#)).

Cooperative Relationships

Academic libraries develop internal relationships with campus partners and external relationships with consortia, associations, and third-party vendors and content providers. Library workers foster relationships with each other as colleagues and with the diverse communities we serve. While all academic libraries have these types of cooperative relationships, the details of our relationships and systemic roles result in different approaches, areas of strength, and potential for opportunities.

How are library workers involved in accessibility efforts? How does this involvement align with functional work areas? What are library workers' areas of strength and opportunities?

Who are your user communities? How are you sharing information about accessibility with them? Are there opportunities to include them in your approaches and action plans?

Who are your campus partners? Are there opportunities to collaborate with them by sharing strengths and addressing challenges?

Which campus communities or departments share priorities but are not partners? Are there opportunities to develop relationships by sharing strengths and addressing challenges?

What is your institution's administrative structure for addressing accessibility? How is your library included? Would this relationship benefit from additional engagement?

Who are your external partners with consortia and associations? What types of support, such as communication and professional development, are being collectively developed?

Who are your third-party vendors and content providers? How are they communicating with you about the ADA Title II and HHS Section 504 updates? How have these communications aligned with your institution's requirements for third-party vendors and content providers?