



# **SELECTED TOPICS REGARDING THE ADA AND HOW IT AFFECTS HIGHER EDUCATION**

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# Topics covered in this Training

- Reasonable accommodations due to a qualified disability
- The new Digital Accessibility requirements under Title II of the ADA
- Service & Emotional Support Animals

# What does the ADA Cover?

- ADA has four main titles (or Sections):

*Title I:* Employment

*Title II:* State and local governments,  
including schools at all levels

*Title III:* Public Places

*Title IV:* Telecommunications

# What is a qualified disability as defined by the ADA?

The American with Disabilities Act defines an individual with a disability as any person who:

- Has a physical or mental impairment which substantially limits one or more major life activities (including walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, or performing manual tasks).
- Has a record of such an impairment, or is regarded as having such an impairment.

# Reasonable Accommodations

- UW must provide reasonable accommodations to employees, students, and members of the public when attending public University events.
- A reasonable accommodation is any change or modification in the workplace or in academic programs that provides equal opportunities for employees or students with disabilities. Accommodations to UW programs may be requested by the public as well.

# Evaluating Requests for Reasonable Accommodations

- **Employees** with a qualified disability may request accommodations by contacting HR (hrbenofc@uwyo.edu, 766-2215) or by filling out the form [UW ADA Employee Accommodation Request Form](#) to initiate the interactive process.
- **Students** may contact Disability Support Services to request academic accommodations. [Disability Support Services Website](#), udss@uwyo.edu, 766-3073 (phone/TTY)
- **Campus/Public:** Anyone can contact the ADA Coordinator at adacoordinator@uwyo.edu with any suggestions or concerns related to accessibility at UW.

# Interactive Process

- Human Resources will seek input from supervisors or other relevant UW personnel regarding the employee request.
- Disability Support Services will seek input from faculty or other relevant personnel regarding the request.
- Opportunity for input from all involved to determine reasonableness of request

# Do all Requests for Accommodations Have to be Granted?

- Individualized Assessment of what is Reasonable after an Interactive Process
- The University does not have to provide accommodations that would be considered an undue hardship/burden or fundamental alteration
- The University does not have to provide accommodations that are personal in nature (e.g. hearing aids, assistance with bathing, wheelchairs, etc.)

# Tip

- Any time a student or employee mentions a disability and requests a change to academics, programs, or their work environment due to that disability **REFER** them to the appropriate office (HR or DSS).
- If a student/employee is granted an accommodation make sure to provide it! A failure to provide a granted accommodation can be considered disability discrimination.

# Title II of the Americans with Disabilities Act - Background

- ADA Title II is a federal civil rights law that prohibits discrimination on the basis of disability by public entities, including public universities.
- Under Title II, public universities must ensure that people with disabilities have equal access to programs, services, and activities.
- The University falls under ADA Title II since we are a public state University.

# **New ADA Title II Requirements and Digital Accessibility**

- As of June 24, 2024, the Department of Justice's final rule on Title II of the Americans with Disabilities Act is effective.
- The Rule sets out the technical standards of Web Content Accessibility Guidelines (WCAG) Version 2.1 as the required minimum standard for digital accessibility.
- Meeting WCAG 2.1 Level AA helps ensure content is usable by the broadest possible audience and aligns with federal expectations for public institutions.

# Deadline for Compliance

- Our compliance date for reaching the required standards at UW **has been extended to April 24, 2027.**

# What digital products does the digital accessibility standard apply to?

- *Websites*
- *Mobile Applications*
- *Procured Software*
- *Social Media*
- *Videos*
- *Documents*
- *Course Content*

# What are the WCAG 2.1 AA technical standards anyway?

At a high level, WCAG 2.1 AA requires that digital content be:

- **Perceivable:** Information can be seen or heard by users in different ways
- **Operable:** Users can navigate and interact with content using various input methods
- **Understandable:** Content and functionality are clear and predictable
- **Robust:** Content works with current and future assistive technologies

# Examples of Common Issues

- Some of the most common failures to meet the WCAG 2.1 AA standards include:
  - ***Missing Alternative Text for Images***
  - ***Low Contrast Text*** – not using dark color on light background or vice versa.
  - ***Keyboard navigation failures*** – Users who can't use a mouse are blocked from completing tasks

# Whose Responsibility is It to Ensure Compliance?

- **Digital accessibility is a University responsibility across campus.**
- For example, these requirements apply to:
  - *creating or sharing course materials.*
  - *Creating or updating websites, documents, and communications*
  - *designing, building, or maintaining digital systems*
  - ***Vendors and contractors*** *providing digital tools, platforms, or content on behalf of the University*

# A Note About Digital Accessibility of Documents

- Use available accessibility checkers!
  - *Tip: When using Microsoft Word, you can find the Accessibility Checker under the “Review” Tab. The panel will show errors, warnings, and tips.*
- Try to keep documents in their original format. Sometimes conversions (e.g. Word to PDF) can cause a loss to some of the accessibility. For example, a Word document can be created in final and “read only” or password protected to ensure that it is not altered.
- There are numerous resources on the web and UW has its own page found here that describes processes for ensuring your Word, PDF and PowerPoint documents are made accessible: [Accessible Documents Resource Webpage](#)

# Campus Progress and Resources

- The University created a work group specifically to determine the best way to assist campus with meeting the digital accessibility requirements of ADA Title II.
- The University is in process of updating and publishing a revised SAP on website and digital accessibility and its policy regarding procurement processes.

# Campus Progress and Resources Pt. 2

- The University is procuring additional software tools for integration into the Learning Management System to assist faculty and instructors with meeting the new accessibility requirements.
- Institutional Marketing continues to support the University community by ensuring the CMS is compliant and offering various resources to employees who are responsible for updating and inserting content into their University websites and webpages.

# Are there any exceptions to compliance with the digital accessibility standards?

- Yes, but they are **very** narrow.
  - *For example, archived web content or pre-existing social media posts are exempt from meeting the WCAG 2.1 Level AA standards if they meet certain conditions.*
- [ADA Fact Sheet](#)

# Service Animals

- The Americans with Disabilities Act (ADA) provides that owners of service animals shall be able to bring their service animal to University facilities and programs.

# Service Animals - definition

- **Definition:** A service animal is defined as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.”

# University of Wyoming Relevant Regulations and Policies

- University of Wyoming Regulation 6-4.VI.B prohibits animals in University buildings and describes the use policy for Service Animals on campus.

# University of Wyoming Relevant Regulations and Policies Pt. 2

- With respect to Service and Emotional Support Animals, individuals may have animals on campus if:
  - Legally disabled and that disability requires the use of a Service Animal; or
  - Legally disabled and have been approved by the University process to have an Emotional Support Animal (ESA) in University housing.

# What questions may I ask an owner of a possible service animal (dog) on campus?

Under the ADA, you are limited to asking the following two questions:

- 1) Is the dog a service animal required because of a disability?
- 2) What work or task has the dog been trained to perform?

# Is the dog a service animal required because of a disability? Pt. 1

- What this question **IS** asking:
  - Confirmation that the animal is a **service animal**.
  - Confirmation that the animal is required because of a disability.

# Is the dog a service animal required because of a disability? Pt. 2

- What this **IS NOT** asking:
  - You are not permitted to ask for documentation that the animal is a service animal.
  - You are not permitted to ask what the individual's disability is or request documentation of their disability.

# What work or task has the dog been trained to perform? Pt. 1

- What this question **IS** asking:
  - Service animals are trained to take a specific action in relation to the disability with which their owner is diagnosed.

# What work or task has the dog been trained to perform? Pt. 2

- What this question **IS** asking:
  - For example:
    - If a person has diabetes, the dog may be trained to bark when the person's blood sugar gets too high or too low.

# What work or task has the dog been trained to perform? Pt. 3

- What this question **IS NOT** asking:
  - By asking this question, you are not asking for any documentation of the animal's training. You are not permitted to request this information.

# Other Important ADA Considerations with Service Animals Pt. 1

- Although a Service Animal must be trained, they are not required to be professionally trained (i.e., the individual can personally train their Service Animal).

# Other Important ADA Considerations with Service Animals Pt. 2

- Though it may be helpful, Service Animals are **not required to wear** a vest, ID, nor specific harness.

# Other Important ADA Considerations with Service Animals Pt. 3

- Service Animals are **allowed to accompany the individual wherever** that individual goes (e.g., self-service food lines, restrooms, classrooms, etc.).
  - There are some exceptions but those are limited and the Office of General Counsel should be consulted before a UW unit denies entry into a program or facility to an individual with a service animal.

# Other Important ADA Considerations with Service Animals Pt. 4

- An individual **can have more than one** Service Animal, as those animals may be trained to help the individual perform more than one task.

# Miniature Horses and the ADA Pt. 1

- Miniature horses may also be Service Animals under the ADA.
- Miniature horses are horses that generally range in:
  - Height from **24-34 inches**; and
  - Weigh roughly between **70 and 100 pounds**.

# Miniature Horses and the ADA Pt. 2

- To determine whether miniature horses can be accommodated in your facilities, the ADA says to consider four factors:
  - **(1)** whether the miniature horse is housebroken;
  - **(2)** whether the miniature horse is under the owner's control;

# Miniature Horses and the ADA Pt. 3

- **(3)** whether the facility can accommodate the miniature horse's type, size, and weight; and
- **(4)** whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

# Emotional Support Animals Pt. 1

- ESAs are a creature of the Federal Fair Housing Act (FHA) and some states' laws.
  - FHA allows reasonable accommodations specifically to housing policies to allow for ESAs to reside with their owners. This applies to University on-campus housing.

# Emotional Support Animals Pt. 2

- ESAs are not limited to dogs, and can include other animals such as cats, guinea pigs, and other animals.

# Emotional Support Animals Pt. 3

- In Wyoming, a “person shall not be discriminated against in the leasing or rental of residential property because the person has an assistance animal, which shall be permitted in leased or rented residential property in accordance with the federal Fair Housing Act.”

# Emotional Support Animals Pt. 4

- Assistance animal is defined as an animal that works, provides assistance or performs tasks for the benefit of a person with a disability, or **provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.**"

# Questions?

## ■ Contact Information

– **Paula Whaley**, Deputy General Counsel

■ [pwhaley@uwyo.edu](mailto:pwhaley@uwyo.edu) 307-766-6235

– **John Porter**, Director, Disability Support Services

■ [jporte29@uwyo.edu](mailto:jporte29@uwyo.edu) (student-related) 307-766-3073

– **Bob Link**, AVP Human Resources

■ [rlink3@uwyo.edu](mailto:rlink3@uwyo.edu) (employee related)

# Additional Resources

- For students and student-related matters:
  - [Disability Support Services Website](#)
- For employees:
  - **Human Resources**
    - [UW Human Resources ADA Website](#)
- [UW Accessibility Resources Page](#)