

MSCA - proposal on Title II implementation

October 27, 2026

Equity, inclusion, and legal compliance under Title II of the Americans with Disabilities Act (ADA) are collective priorities of both the Union and the University. Unit members actively support accessible practices in their professional roles. The obligation, institutional liability, and provision of necessary technical and structural resources to ensure academic accessibility remain fundamentally with the University.

Title II implementation should be grounded in a shared commitment to student learning and success. An onerous, punitive, and inflexible Title II implementation will not only reduce access to no-cost, low-cost, and open educational resources (OER), but also limit access to customized, high-quality, and timely academic content and other pedagogical innovation.

Office of Digital Accessibility (full proposal forthcoming)

At each University/College, Management will create an Office of Digital Accessibility (“ODA”) in order to implement WCAG 2.1 AA standards.

Because this Office will be staffed by members of the Association of Professional Administrators (APA)—who possess the specialized expertise and administrative skill required for these roles—we will be submitting a joint proposal from both MSCA and APA that will provide further details on the staffing and responsibilities for this office.

No Discipline for Good Faith Effort

No unit member who is making a good faith effort to bring their course or library materials into compliance with WCAG 2.1 AA standards will be disciplined for failure to meet those standards.

Academic Freedom and Intellectual Property in Digital Accessibility

The parties affirm their commitment to equitable access, academic freedom, and faculty intellectual property rights. Accessibility implementation shall preserve protections established by this Agreement, including Article V.A and Article III.B.12, while ensuring timely and effective access for individuals with disabilities.

Consistent with applicable law and established faculty governance responsibilities, the University shall provide the resources and expertise necessary to make selected materials accessible while preserving their academic integrity and pedagogical purpose.

Librarians retain the right to select electronic resources for the library. Difficulty or expense of remediation shall not justify requiring removal, rejection, or replacement of academically selected library materials.

Accessibility implementation shall not alter existing intellectual property rights or confer additional rights upon the University or any service provider. Institutional support for accessibility shall not establish rights in faculty materials or their accessible versions.

Faculty materials shall not be sold, incorporated into commercial content repositories, or used to train or improve general-purpose artificial intelligence models.

Before requiring the use of an accessibility service, the University shall verify that all terms comply with the parties' Collective Bargaining Agreement. Neither the University nor its service providers shall require faculty to waive rights under the CBA in order to use/access an accessibility service.

Where a proposed or existing service cannot meet these protections, the University shall provide an effective alternative means of meeting accessibility requirements.

Proposals forthcoming:

Title II implementation and role of faculty governance

Process for exemptions and waivers due to undue burden or fundamental alteration.

Training

Compensation and/or workload relief for full-time faculty, part-time faculty, and librarians

Accessibility monitoring, reporting, and evaluation of faculty