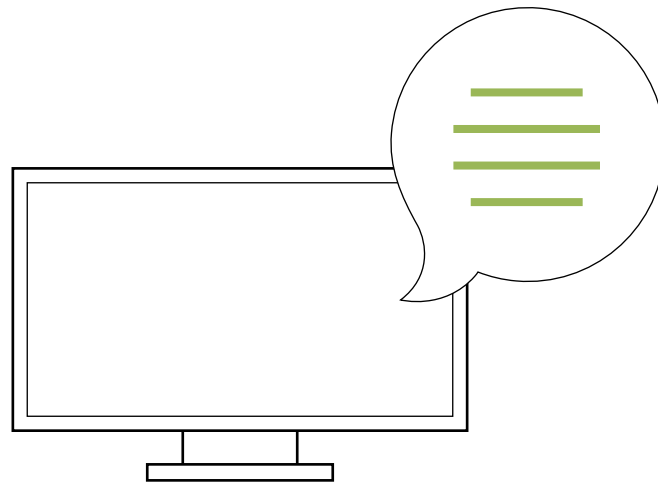


Access Granted

Accessibility and Your Web Content

A WORKSHOP FROM BLEND INTERACTIVE AND
WOODS, FULLER, SHULTZ & SMITH





WHAT IS WEB ACCESSIBILITY?

Web accessibility is the practice of removing barriers for people with disabilities, specifically on your apps or websites.

According to the National Federation for the Blind, there are over 7.3 million people in the United States alone who have varying degrees of blindness. The U.S. Census found over one million deaf people and over eight million who are hard of hearing. Neurological disabilities, including epilepsy, affect nearly one billion people worldwide. Color blindness in various forms affects approximately 1 in 12 men and 1 in 200 women globally.

In other words, web accessibility issues affect many more people than you may think—in ways you may not expect.

Because most websites rely on written and visual communication, accessibility issues are most often seen as *visual* issues, affecting those with temporary or permanent vision problems. These situations often require tools like screen readers, which read site content out loud.

But, it also affects those who have motor or mobility disabilities — such as those with cerebral palsy, or someone who has recently had a stroke. These are people who may not be able to use a mouse or perform fine movements with a trackpad — they may use

7.3M

People in the United States who have some form of blindness

37.5M

Adults in the United States that report some trouble hearing

8.0%

Men who have some form of color blindness (And 0.5% of women)

100M

People in the U.S. who suffer from some kind of neurological disease

the tab button to more quickly move around the screen.

It affects those with auditory disabilities, such as deafness, who require captions and transcripts of audio content.

It even encompasses those who have cognitive disabilities or language barriers,

who simply cannot understand complicated or over-written page content.

With all of this, we need to understand that while not every disability is life-changing, and every disability is permanent, *our websites don't know that*. So there's a need to treat every situation with a level of respect.

Can I Really Be Sued?

Yes, you can. In fact, there were more ADA website accessibility lawsuits filed in the first half of this year than in all of 2017, during which there were over 800 such suits.

Title III of the ADA prohibits discrimination against disabled persons in places of "public accommodation." In general, businesses that provide goods or services to the public must provide disabled persons with the same type of access to those goods and services as they provide to individuals who are not disabled, and must remove barriers to access.

Where a website is integrated with physical store locations, courts have found that the website is a service of a public accommodation and is covered by the ADA. Other courts have gone further, holding that websites alone may amount to a public accommodation subject the ADA.

Under the ADA, a prevailing plaintiff is not entitled to damages, but may recover attorneys' fees, which typically are substantial.

Injunctive relief is also available to remedy the barrier to access. Often times, however, a business will choose to pay a monetary settlement to avoid a lawsuit, which has incentivized plaintiff's attorneys to bring accessibility claims.

Unfortunately, compliance with the ADA is not clear-cut, because the United States Department of Justice has not promulgated any rules defining website accessibility. That said, most courts and commentators have agreed that compliance with standards such as the WCAG 2.1 ensures compliance with the ADA.

In short, being proactive with accessibility mitigates the risk of a lawsuit. If you are sued or receive a demand letter, inform your counsel immediately, and investigate the feasibility of bringing your website into compliance.



WOODS FULLER
SHULTZ & SMITH P.C.

What Do I Need To Know About WCAG?

WCAG (The Web Content Accessibility Guidelines) are separated into four distinct categories: Perceivable, Operable, Understandable, and Robust. Within these guidelines, there are three grades of compliance: A, AA, and AAA.

Legally, most sites simply need to be accessible to the A level, though some industries and agencies, such as the United States government, requires at least AA. At Blend, we build to a AA level, but strive in some cases to go beyond, to AAA.

PRINCIPLE 1 - PERCEIVABLE

Information and user interface components must be presentable to users in ways they can perceive. In other words, is content able to be found and interpreted regardless of any existing disability?

This most commonly includes:

- Making sure visual content can be understood using accessibility tools, including alternative text on images and captions or transcriptions on videos
- Content has a proper color contrast and can be resized
- Content does not rely on visual or audio cues and can be interacted with regardless of disability
- Content follows a logical outline so users can understand their place on the page without visual cues

PRINCIPLE 2 - OPERABLE

User interface components and navigation must be operable. In other words, can users interact with content without the standard mouse and keyboard?

This most commonly includes:

- All content and other interactive functionality can be accessed by the keyboard alone
- Content follows a logical outline so keyboards and other assistive tools can effectively navigate them
- Navigation and other repeatable content can easily be bypassed
- Content does not flash at a rate dangerous to those with epilepsy
- Content does not time out faster than someone with a disability can access it

PRINCIPLE 3 - UNDERSTANDABLE

Information and the operation of user interface must be understandable. In other words, is the site readable, predictable, and surprise-free.

This most commonly includes:

- Writing at an understandable level, free of idioms and jargon
- Confirming that forms include properly accessible error messages
- Refraining from sending users to new tabs, PDFs, or new windows without a warning

PRINCIPLE 4 - ROBUST

Content must be robust enough that it can be interpreted by a wide variety of user agents, including assistive technologies. In other words, because web users interact with the web using different methods, sites should be able to interpret those methods.

This most commonly includes:

- Confirming that site templates and content include proper descriptive markup

Web Accessibility: Design, Structure, and Content

There are two sides to the process of web accessibility: the act of building an accessible site, and the act of maintaining an accessible site.

The first is largely structural and design-focused, such as making sure design allows for the right text contrast, or allowing those who use keyboards to effectively navigate around the page. These are built into the DNA of the site itself, and are largely unable to be changed by site editors or the marketing department.

Then, there is editorial accessibility. These are the things we do that can be changed through

our editing interfaces, or supplied within the content itself. Things like providing captions on videos, or making sure images have alternative text.

While structural accessibility is most often covered during a redesign or new site build, editorial accessibility is touched on at all times. It's key to maintaining your site, and goes beyond simply making large scale fixes—it becomes a part of your organization's process.

This checklist will help you better understand the things you can often handle when uploading and creating site content:



Accessibility Checklist for Editors

Hints and reminders for making the web a better place for humans.

Use headings

Nearly 70% of people turn to headings first to find relevant information on a long page.

- ✓ **Build an outline**
Use heading tags to create a strict outline structure for the page content. This means that headings break up text into logical sections and heading levels don't jump around.
- ✓ **Write descriptive headings**
Since you're using headings, make sure they describe the content they are associated with.
- ✓ **Adjust style not structure**
Sometimes you want a specific look to enhance the layout. In this case, use the appropriate heading tag to maintain the page structure, and then apply a class to override the look of the text.

Add alt text

This gives a way to "see" the information in an image even if the image cannot be viewed.

- ✓ **Be informative**
Describe the information conveyed by the image as it relates to the overall content. Keep it brief and use punctuation.
- ✓ **Identify decorative images**
Will describing the image provide clarity or add clutter for the user? If it doesn't need a description, use an empty alt attribute so screen readers know they can ignore the image.
- ✓ **Avoid text in images**
Generally text should be real text rather than an image. A logo is a common exception to this rule. In this case, the alt tag should mirror the full text shown in the image.

Write clear content

Increase comprehension for everyone, including those with dyslexia or another reading disability.

- ✓ **Consider the reading level**
Writing with shorter sentences and simpler words can make a big difference. Aim for a high school freshman reading level.
- ✓ **Use descriptive labels**
Buttons, links, and form labels should be brief but unambiguous. A page full of "learn more" links is not very helpful.

Manage digital assets

Provide people access to all of your content.

- ✓ **Create accessible PDFs**
Acrobat Pro provides tools to help check and fix accessibility problems in new or existing PDFs.
- ✓ **Add transcripts for video and audio content**
A text-based version of audio and video provides another way to access the content.

Maintain page structure

A well structured page provides meaning and clarity for users of assistive technology.

- ✓ **Use provided content blocks**
Take advantage of the predesigned content blocks for layout purposes, and get semantic markup automatically.
- ✓ **Avoid using tables for layout**
Tables don't adapt well to smaller screens, and can be confusing for screen reader users. Only use them for tabular data.

Note: This guide does not provide legal compliance. Be sure to refer to the WCAG specification for complete guidelines.

What Are My Next Steps?

Your next steps are clear and simple: make sure your sites and applications are accessible to the standards laid out in WCAG.

In reality, though, this can be harder than you think.

There are things you can do immediately—content-level, editorial changes that can be done within your existing site. And, there are things that will take more development work, such as updating forms or site-wide templates.

If you are curious whether or not your site meets all recommendations within WCAG and the requirements of the American Disability Act, reach out to your digital content team and work with someone that has experience in web accessibility audits and design.

Use the checklist on the previous page to tackle some of the low-hanging fruit, and budget for a full-scale accessibility audit to find further accessibility needs—both for your own benefit, and for the benefit of everyone who uses your site.





If you have questions about getting your sites up to WCAG standards, please feel free to contact Blend Interactive.

blendinteractive.com
605.334.7077



If you have questions about your liability when it comes to issues of web accessibility, please feel free to contact Woods, Fuller, Shultz & Smith.

woodsfuller.com
605.336.3890