

The Value Of Digital Accessibility Statements: A Checklist For Getting Started

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Commentary

The Value Of Digital Accessibility Statements: A Checklist For Getting Started

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Executive Summary

This article examines the role of digital accessibility statements in an organization's accessibility policy framework. Using federal guidelines, examples of accessibility statements from government, education and commercial sectors, and helpful tools from the Worldwide Web Consortium's (W3C) Website Accessibility Initiative, the article provides a checklist of areas to address when creating an effective accessibility statement. Topics covered include: common elements of accessibility statements, reasons why organizations choose to develop and maintain accessibility statements, recommended stakeholders to engage when creating an accessibility statement and methods for maintaining accessibility statements.

What is an accessibility statement?

We will begin with the assumption your organization has decided addressing accessibility on its website or mobile applications is a priority. Crafting an accessibility statement is your opportunity to communicate this commitment to your customers, employees and the wider community. However, before we examine the key elements of a quality accessibility statement, let us examine what an accessibility statement is not.

An accessibility statement is not a substitute for an organization's accessibility policy. It is merely a reflection of that policy but should not be considered to take the place of how accessibility integrates with your organization's mission, philosophy and operations.

An accessibility statement is not a guarantee from being sued – however, having a clear accessibility statement can demonstrate a commitment to accessibility and outline your ongoing process to ensure your website, digital content and other technology applications consistently meet the need of your customers, clients and other site visitors.

With those disclaimers, we can state that an accessibility statement is:

- A public communication of your organizations' internal accessibility policies and digital accessibility protocols;
- A demonstration of your organizations commitment to adhere to accessibility requirements and established guidelines in the geographies it operates. For US organizations, that typically

means following ADA Section 508 requirements and WCAG 2.0 or WCAG 2.1 level standards. Outside the US, the WCAG standards are steadily becoming the adoptive standard of governments globally with over 20 countries and the European Union referencing or adopting WCAG 2.0;

- A living 'document', just as your accessibility policies will change and adapt over time, your accessibility statement will need to have flexibility and processes to review and update should be built in.

Why have an accessibility statement?

Website accessibility lawsuits continue to be on the rise, the number of lawsuits in 2018 topped 2250, triple the number of suits filed in 2017.¹ Virtually every week, news coverage of companies, large and small, facing new litigation involving website accessibility appear. As the Department of Justice continues to delay issuing formal guidelines, the business community has been calling for action to gain clarity on what requirements need to be followed.

In July 2019, United States Senator Chuck Grassley, Chairman of the Senate Judiciary Committee, directed Attorney General William Barr to provide an update on the Department of Justice's (DOJ) efforts to clarify "whether and how the Americans with Disabilities Act (ADA) applies to websites"². The request, which was in follow up to a 2018 request made to the DOJ during the tenure of Barr's predecessor, Jeff Sessions, cited the continuing ambiguity of DOJ guidance regarding website accessibility.

The letter, joined by several of the Republican members of the committee, cited the need for clarity to "encourage businesses to make investments to better serve the needs of the disabled community"³. The letter directs Barr to provide an update and answer a list of submitted questions no later than August 30, 2019. As of today's date, no response has been published.

Stakeholders from both the business and accessibility communities will be eagerly awaiting the DOJ response to see additional clarity indeed is provided to navigate the wake of recent lawsuits. At the least, the response and the Senate's reaction will be closely watched and may spur a sense of urgency for private

entities to move digital accessibility contingencies into actionable implementation plans.

While compliance may be a primary driver for some, accessibility advocates also contend there is a worthwhile business case for integrating accessibility into an organization's digital assets. The benefits run the spectrum from distinct to abstract, but with Fortune 100 companies such as Microsoft, Apple and Barclay's among some of the most ardent adopters of inclusive design principles, attention by business leaders is on the increase.

W3C outline of business case, includes some commonly cited benefits. These include fostering a culture of innovation, brand enhancement and broadening market reach and customer engagement.⁴ There are also additional intangible benefits in terms of public relations or goodwill through the demonstration of a commitment to the accessibility community.

Who do you need to consult with to create an Accessibility Statement?

A process for dialogue with customers and internal stakeholders is important to ensure your digital accessibility policy is being properly communicated, applied and maintained. Attention to soliciting feedback from your audience is a logical place to start. When examining your audience engagement, customers and clients have likely been the focal target market, however consideration should also be given to other site visitors, including suppliers, media and the broader community.

Reviewing any feedback or accessibility related complaints to date and engaging focus group members from persons with disabilities should also be part of your planning process.

The feedback and perspectives garnered from your external audience should be broadly shared for similar feedback as you bring together your internal stakeholders. Enterprise collaboration across your organization should involve your technology and development teams, product or service delivery teams, customer service/support, legal (internal or external counsel), sales, marketing and human resources.

If uncertain how your digital assets measure against recommended accessibility standards, your organization

may consider enlisting an outside accessibility consultant or digital remediation expert to perform an accessibility audit and help frame how to address any issues being addressed in your statement.

Checklist for what to Include in an Accessibility Statement

What are the building blocks that come together to create an effective accessibility statement? After reviewing existing accessibility statements across industries and resources from the World Wide Web Consortium, six core elements emerge:

1. Organization Information
2. Accessibility Standards Applied
3. Conformance Status
4. Additional Accessibility Considerations
5. Feedback Options
6. Publications Date.

These six elements should be addressed in an accessibility statement to meet the minimal guidelines. Areas to address follow and Exhibit A provides a checklist format for easy reference.

1. Organization information – include company/organization name, URL address and official name for website or mobile applications.
2. Accessibility Standards applied – identify if you are following WCAG 2.1 Level A/AA, WCAG 2.0 Level A/AA or another standard.
3. Conformance status – state to what degree your website conforms to the accessibility standard applied. You may also address any parts of your website or application that is not full compliant and list mitigating reasons. Additionally, guidance to users on how to get assistance for content not in compliance can be provided.
4. Additional accessibility considerations – If you are applying accessibility requirements above those outlined in the standard identified take opportunity to outline here.
5. Feedback options – Provide details to invite your site users to connect with your organization if they encounter accessibility challenges.

6. Publication date – Demonstrate the ongoing commitment to addressing accessibility by including when information was last updated.

Following the guidelines featured in the checklist will assist in developing a basic accessibility statement. As your accessibility policies evolve or depending on specific technical elements of your website or other digital assets, your organization may want to consider including these additional elements in your accessibility statement.

Other Areas to Consider

Your Efforts – Describe your organization's efforts to ensure accessibility (policy, practices). Outline the organizational measures (internal policies, procurement practices, staff training) taking place to implement your accessibility initiatives.

Technical Information – Provide any technical details to explain issues a user may encounter. This can include third party technology compatibility (browsers, assistive technologies) or accessibility limitations. For example, you can identify any content parts with issues, providing explanation of the reason, plans for addressing and instructions for user to take in the meantime. Some examples of technical limitations to outline may include:

- Compatibility with user environment
- Known incompatibilities
- Technologies used
- Assessment approach: outline if your organization employs a self-evaluation or external review process
- Related evidence: for more detailed statements, consider providing links to related background or evidence supporting claims made in your accessibility statement.

Approval and Complaints Process – To show the accessibility statement is part of larger corporate policy or demonstrate executive level support, some organizations may want to include a formal approval statement. Additionally, some organizations may be required to establish a formal complaints process (see “EU Web Accessibility Directive” for example in practice); Even when not required to do so, some organizations choose

to establish a formal complaint process to enhance quality management or user satisfaction.

Maintaining resiliency in your accessibility statement

To ensure the effort that has gone into creating and sharing your accessibility statement online, steps need to be followed to ensure your website continues to align with the principles you have communicated.

Following recommendations from W3C's Web Accessibility Initiative⁵, organizations should implement the following ongoing activities:

1. Monitor websites (content updates can introduce new issues, as do third party updates for website hosting platforms)
2. Engage with stakeholders - Be responsive to feedback and seek ways to proactively work with stakeholders
3. Track standards and legislation updates
4. Adapt to new technologies
5. Incorporate user feedback.

Conclusion

Accessibility Statements are not the beginning or ending point of an organization's accessibility process. However, they serve as an important and practical

tool in communicating an organization's commitment to accessibility and providing a channel to connect with a segment of your client base that might otherwise feel excluded.

Whether a requirement for your industry, or simply a means to improve the user experience, the process of developing and maintaining an accessibility statement for your digital assets can serve to keep your organization informed of ongoing technical challenges and improvements impacting accessibility.

Endnotes

1. <https://www.adatitleiii.com/2019/01/number-of-federal-website-accessibility-lawsuits-nearly-triple-exceeding-2250-in-2018/>.
2. <https://www.grassley.senate.gov/news/news-releases/grassley-senators-seek-updates-further-action-justice-department-efforts-clarify>.
3. <https://www.grassley.senate.gov/news/news-releases/grassley-senators-seek-updates-further-action-justice-department-efforts-clarify>.
4. <https://www.w3.org/WAI/business-case/#fn:1>.
5. <https://www.w3.org/WAI/planning-and-managing/sustain/>. ■

Exhibit A: Basic Information Checklist for Minimal Website Accessibility Statements

1. Organization information
 - Name
 - URL/Address for Website or mobile applications
 - Official Name of Website or mobile applications
2. Accessibility Standards applied
 - Identify if you are following:*
 - WCAG 2.1 Level A/AA
 - WCAG 2.0 Level A/AA
 - Another standard
3. Conformance status – *to what degree do you conform with the accessibility standard applied?*
 - If not fully compliant, identify what parts of website or application do not conform and list mitigating reasons
 - Provide guidance to users on how to get assistance for content not in compliance (external third-party tools, resources)
4. Additional accessibility considerations
 - If you are applying accessibility requirements above those outlined in the standard identified take opportunity to outline
 - Example: WAI – real-time captioning for live media
5. Feedback options – *Provide details to invite your site users to connect with your organization if they encounter accessibility challenges.*
 - Phone number
 - E-mail
 - Visitor Address
 - Postal Address
 - Other Contact Options
 - Typical response time
6. Publication date – Demonstrate the ongoing commitment to addressing accessibility by including when information was last updated.

Exhibit B: Accessibility Statement – Examples

General Dynamics

Primary elements: Organization Information, Feedback Options

“General Dynamics is committed to providing a website that is available to the widest possible audience. We endeavor to make content on this site accessible for people with disabilities. Should you experience any difficulty in accessing content on our site, please contact us.”

<https://www.gd.com/en/accessibility>

General Dynamics’s accessibility statement integrates with the company information content on its website, with a focus on a statement of commitment to accessibility and concise instructions for contacting the company if any issues.

Jet Blue

Primary elements: Accessibility Standards Applied, Conformance Status, Additional Accessibility Considerations

“Commitment to Accessibility: JetBlue is committed to providing a website that is accessible to its customers, regardless of technology or ability. We are constantly working to increase the accessibility and usability of our website. JetBlue will continue to improve and work to meet Air Carrier Access Act (ACAA) and Web Content Accessibility Guidelines (WCAG 2.0) from the World Wide Web Consortium (W3C).

What We Have Done to Improve Access: Our focus on meeting customers’ growing website accessibility needs reflects our ongoing commitment to providing optimal digital experiences for all audiences.

Design with text size increased to 200 percent. Our website provides a design which would allow browsers to handle text enlarged to 200 % that can handle page zooming.

Essential keyboard access. Our website provides consistent, logical tab order—left to right, top to bottom using only the keyboard.

Providing closed captioning. Videos on our website provides closed captioning services for those who are hearing impaired.

What We Are Still Working On: While JetBlue strives to adhere to the accepted guidelines and standards for accessibility and usability, it is not always possible to do so in all areas of our online experience. In these instances, we have placed a notification to our customers indicating a link that opens up an external site may not conform to the same accessibility policies at JetBlue.”

<https://www.jetblue.com/at-the-airport/accessibility-assistance/accessibility-information>

Jet Blue is an example of how to concisely communicate the accessibility standards applied, measures already taken and explain any pending or status of future steps. Not displayed in the excerpt above is additional instructions on how to provide feedback.

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