

NYC & Company Talks: Accessibility on the Web



Kelly Curtin

EVP, Membership and Destination Services
NYC & Company



Amanda Smith

Director of Events
The Manhattan Manor



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& Company

NYCTM



Peter Slatin

Founder and President
The Slatin Group



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Accessibility on the Web

Moderator:

Peter Slatin – Founder and President, The Slatin Group

Panelists:

Samuel Sverdlov – Associate, Seyfarth Shaw LLP

**Sharron Rush – Executive Director & Founding Member,
Knowbility**

**Sabrina Hall – Founder, Sabrina Hall Design;
Interactive Art Director, Scholastic**

Samuel Sverdlov

Associate
Seyfarth Shaw LLP



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What Does it Mean for a Website to be “Accessible”?

Can people with disabilities use the website?

- Examples of features needed to access a website:
 - Blind: Screen reader compatibility; refreshable braille displays; keyboard-only access
 - Low Vision: Color contrast; text resizing; screen magnifiers
 - Deaf or Hard of Hearing: Captions for audio content
 - Manual dexterity challenges: Keyboard-only access; ability to slow down or turn off time outs
 - Epilepsy: No flashing content
 - Color Blind: Color not used to convey information
- Assistive Technologies: Devices, software, or techniques used to assist individuals with disabilities in using or accessing information

What Does it Mean for a Mobile App to be “Accessible”?

- Generally inherently accessible
 - But accessibility features only work if the app is coded to work properly with built-in screen reader software
- What Features do People with Disabilities Need to Access a Mobile Application?
 - Android and iOS devices have built in screen readers (Talkback & Voiceover) and accessibility features
 - Mobile app must work with Talk Back and Voiceover
 - Same/similar issues as website

Statutory & Regulatory Basis

- Title III requires public accommodations provide:
 - **Equal access** to goods, benefits, and services
 - **Auxiliary aids & services** (e.g., accessible electronic information technology) at no extra charge to ensure **effective communication** absent undue burden or fundamental alteration
- No ADA statute or regulation specifically mentions websites or sets a standard for accessible websites
- State/City Laws (state contractors, public accommodations, business establishments)

Department of Justice Positions

2010 DOJ Advanced Notice of Proposal Rulemaking:

- Public comment requested about:
 - How much time businesses should have to comply
 - Impact of requirement to caption all videos
 - What standard should be adopted as definition of accessible
 - What to do about third party content and social media

2010-2016: DOJ pressured public accommodations to make websites and/or mobile apps conform to WCAG 2.0 AA in agreements (Museum of Crime & Punishment, Hilton, Greyhound, Carnival Cruise)

The Trump DOJ

- Officially withdrew website accessibility rulemaking in 2017
- Declined invitation to weigh in on motion to dismiss in *Robles v. Yum! Brands* (Pizza Hut)
- 2018: Members of Congress asked DOJ to clarify whether the ADA applies to websites, and to set a standard
 - DOJ replied in September 2018 to Congress' letter:
 - It is evaluating whether specific web accessibility regulations are necessary and appropriate to ensure ADA compliance
 - ADA applies to public accommodations' websites; absence of a specific regulation is not reason to fail to comply with the ADA

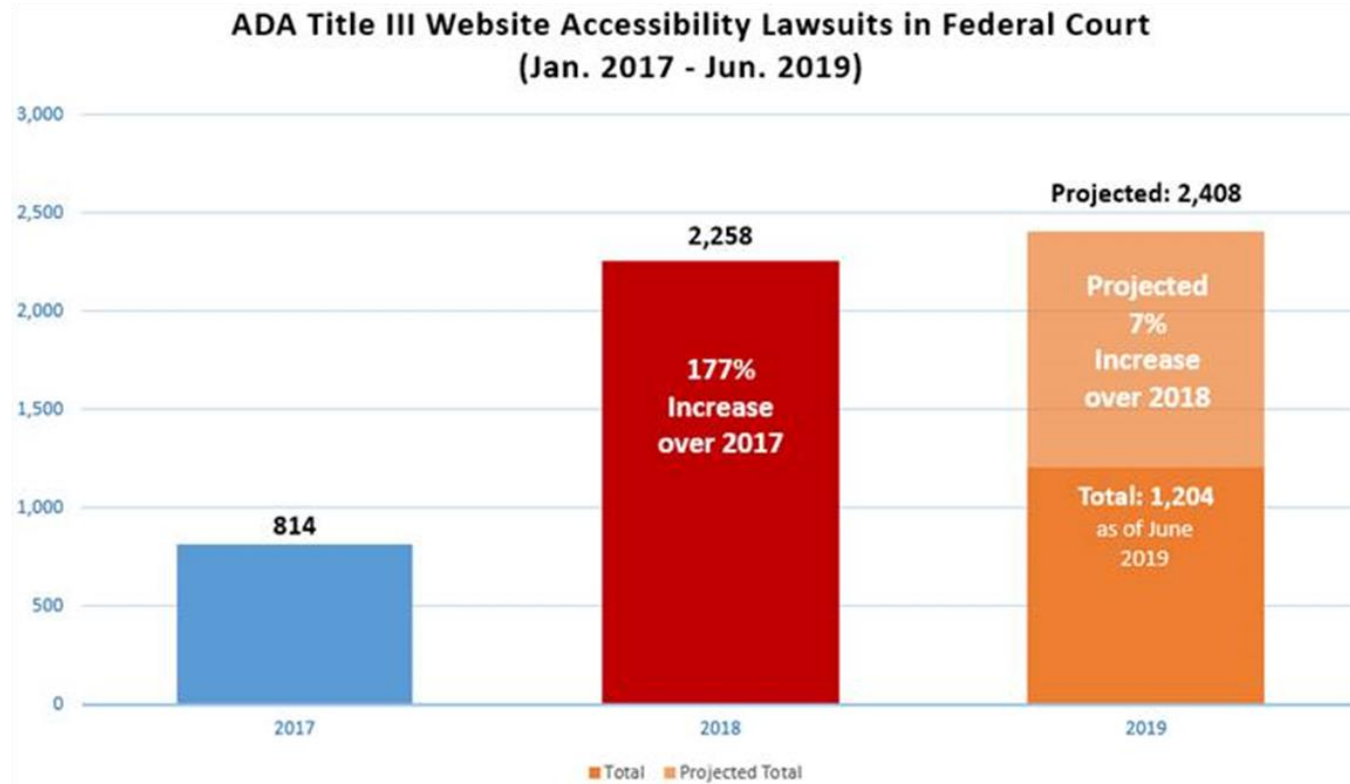
No legally-required standard, what do we follow?

- Web Content Accessibility Guidelines (WCAG):
 - Published by private group of experts, the W3C
 - Legal standard for
 - Federal agency websites (Section 508 of the Rehabilitation Act)
 - Primary website of airline carriers (Air Carrier Access Act)
 - Used in DOJ & other settlements
 - Not a legal standard for public accommodations websites under Title III of the ADA
 - Three Levels (A, AA, and AAA)
 - 2.1 published June 2018: Adds criteria addressing mobile applications, low vision, cognitive disabilities

Website Accessibility Challenges

- Links to third party websites
- Third party content on your website:
 - Software licensed from third parties to perform functions (Google Maps, Recipes feature, circulars, Instagram feeds)
 - Advertising by third parties
 - Payment mechanism
 - Social Media/YouTube
- Third-party vendors who design/create websites but don't know/understand web accessibility or WCAG
- Contracts that require you to be “accessible” without defining what that means
- Take care with indemnity & hold harmless provisions

ADA Title III Website Accessibility Lawsuit Numbers



Examples of Alleged Barriers in Accessibility Lawsuits

- Website includes images without alt-text
- Website is not keyboard navigable
- Website contains inaccessible PDFs
- Website has inaccessible forms
- Plaintiff could not access the hours and location of the public accommodation
- Plaintiff could not view and purchase goods on the website

Fighting Website Accessibility Lawsuits: Examples of Arguments for Defendants

- WCAG is not a legal standard and the DOJ has not issued regulations on website accessibility
- Patrons can access all the same information on the website through a telephone line
- There is no nexus between the website and a physical location
- The business has already settled a website accessibility lawsuit
- The business has already hired a vendor to make its website more accessible
- The plaintiff lacks standing to sue
- The plaintiff did not suffer an injury
- The plaintiff will not come back to defendant's business

Sharron Rush

Executive Director & Founding Member
Knowbility



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Why?

Digital accessibility means...

- People with disabilities can access the same information and perform the same functions as any other consumer
- Can equally participate in online opportunities in education, employment, civic engagement, social interaction, and commerce

International standards based on 4 principles...

I can perceive it.

I can use it.

I can grasp it.

I can access it.



1. Perceivable



2. Operable



3. Understandable



4. Robust

Benefits beyond legal mandates

Strong business case for inclusive design

- **Drive Innovation:** Accessibility features in products and services often solve unanticipated problems.
- **Brand Enhancement:** Diversity and inclusion efforts are accelerated with a clear, well-integrated accessibility commitment.
- **Extend Market Reach:** The global market of people with disabilities is over 1 billion people who annually spend more than \$6B.
- **Improve user experience:** Accessibility often improves the interactive experience of all users.

<https://www.w3.org/WAI/business-case/>

How?

Extensive community of support...

- Fee-for-service expert consultants
- Online webinars
- Assistive technology and accessibility conferences
- FREE resources from W3C/WAI www.w3.org/wai
- Thank you! srush@Knowbility.org

Twitter @knowbility

Sabrina Hall

Founder, Sabrina Hall Design
and
Interactive Art Director, Sholastic



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Accessible design is good for all.

NYC & Company Talks: Accessibility on the Web

Hi! I'm Sabrina Hall



Ready - set - go.

- What does Digital Accessibility mean?
- Why is it important?
- How to get started!

Digital Accessibility refers to the practice of building digital content and applications that can be used by a wide range of people, including individuals who have visual, motor/physical, auditory, speech, neurological or cognitive disabilities.

-w3.org; Pablo Stanley via UXdesign.cc;

Visual disabilities include:

Low vision, color blindness, light sensitivity, visual field loss

Motor/Physical disabilities include:

Tremors, amputation, arthritis

Auditory disabilities include:

Deafness, hard of hearing

Speech disabilities include:

Stuttering, muteness

Neurological disabilities include:

Seizure disorders, tremors

Cognitive disabilities include:

Dyslexia, ADHD

Everyone has a right to an equal experience on the internet

We all have to examine our roles closely and do our best to make a difference and impact. We have the tools to do better!

Good for all means everyone.

How do we get started?

W3C.org

World Wide Web Consortium and the WCAG (Web Content Accessibility Guideline)

These guidelines define how to make Web content more accessible to people with disabilities.

Words to know

Color Contrast: Ensures that colors are across from one another on a basic color wheel and have maximum contrast for legibility. For WCAG guidelines 4:5:1 is considered the minimum.

This ratio refers to the luminance of the brightest color to the darkest color.

Currently on a website that gets an average of 25.9 million viewers daily 🤖

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Small changes make all the difference 😊

SUBSCRIBE NOW

SUBSCRIBE NOW

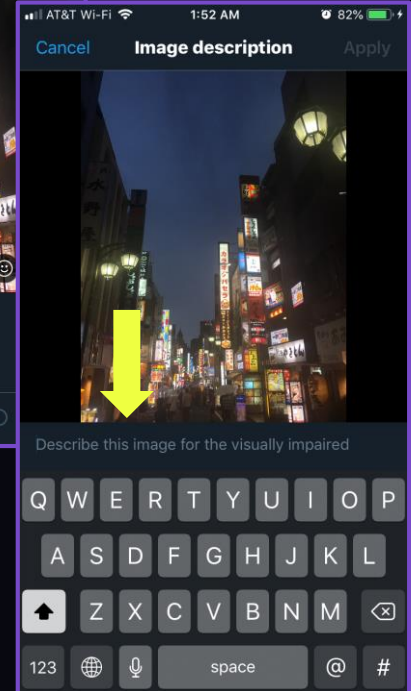
Words to know

Alternative Text: (Alt text, Alt tags) helps people with low vision “hear the web”. It is text that describes what's happening in the image and can provide details for the user. Alt tags help search engines learn what an image is about and help with SEO as well.

Screen reader: A form of assistive technology (AT) which is essential to people who are blind, visually impaired, or have other disabilities.



Practice makes perfect.
Add Alt text to images
on social media



We have a responsibility - this is future and the present

"The power of the Web is in its universality.
Access by everyone regardless of disability
is an essential aspect."

–Tim Berners-Lee, inventor of the World Wide Web and W3C.org

Director

Hi! I'm Sabrina Hall



Thank you!

sabrinallhalldesigns.com

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Thank You

