

First Steps: Web Accessibility at Colleges and Universities

The postsecondary classroom is becoming progressively digital in nature. Consequently, it is important for institutions to be aware of their obligation to provide equal access for all students including those with disabilities. Often, these students may use a form of assistive technology to interact with a college website or to participate in an online course. Ensuring that web based learning is accessible to those with and without disabilities takes planning, development, and an ongoing commitment to creating an accessible e-learning environment. The following document is not intended to provide a template for an accessibility review of an entity's web content. Rather, it is a starting place to begin thinking about web accessibility from an organizational perspective and what can facilitate efforts towards establishing greater access for all users. It begins with a review of potential accessibility requirements under federal law.

Determining Legal Responsibilities

This section helps to understand how current federal laws and regulations on accessibility may apply to a postsecondary entity. Note that states or territories may have local regulations that might apply to a particular institution beyond what is presented below. Please confer with your local regional ADA center for further guidance on this point.

Americans with Disability Act (ADA)

Under the Americans with Disabilities Act (ADA), there are no explicitly established web accessibility standards as of 2016 that would apply to a postsecondary educational institution. The Equal Employment Opportunity Commission (EEOC), the federal agency charged with enforcing Title I, has not established a specific standard for covered employers to follow. Rather, the EEOC holds that all processes of employment must be equally available to a person with a disability as to individuals without disabilities. If an employer has an online application process to screen candidates, then that online portal must be accessible to those with disabilities. If an employee uses assistive technology, an employer may need to consider a reasonable accommodation request in order to provide equal access for that individual.

The Department of Justice (DOJ) enforces Title II and III of the ADA. Title II covers state and local government as well as all of their instrumentalities such as state universities or community colleges. Title III applies to public accommodations which are private businesses open to the public including educational institutions such as a private college. Note that ADA regulations generally exempt religious institutions from the requirements of Title III. However, such organizations are still subject to Title I. The DOJ has not published an official standard for web



accessibility. However, its enforcement activities indicate that the eventual published standard will likely be based on the Web Content Accessibility Guidelines produced by the [Web Accessibility Initiative](#) of the Worldwide Web Consortium. You can read about the DOJ's enforcement activities on their [Accessible Technology Enforcement page](#).

Section 503 of the Rehabilitation Act

Under Section 503 of the Rehabilitation Act, contractors and subcontractors with federal government contracts of greater than \$10,000 must strive for certain aspirational goals for recruiting and retaining individuals with disabilities as employees. The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces Section 503 regulations. As part of the 2014 revised rule for Section 503, the OFCCP holds that if an employer offers its job and personnel applications exclusively online, then that web content must be made accessible to users of assistive technology. If the same application is also available for equal consideration through other methods, then an employer would not have to ensure the online version was accessible. However, the OFCCP maintains that it is a best practice to do so. The regulations for Section 503 do require conspicuous posting of the employer's equal opportunity clause and its notice of reasonable accommodation request policy on web applications and human resource webpages. Finally in a footnote of the 2014 revised rule, the OFCCP recommends adoption of [WCAG 2.0](#) and the use of [Section 508](#) as a best practice.

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act covers all entities receiving federal financial assistance. Multiple federal agencies are charged with enforcing this Section. The Department of Education's Office of Civil Rights (DOE-OCR) has not published any official standards for website accessibility. However, in several resolution agreements such as [DOE's agreement with Youngstown State University](#), the DOE has suggested Section 508 standards or WCAG 2.0 as accessibility models.

Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act is a law that applies only to federal agencies. It requires that the information and electronic technology procured, developed, maintained, and used by federal entities be accessible to individuals with disabilities. It applies to websites, electronic documents, and software. A "508 refresh" led to the U.S. Access Board issuing [a new Section 508 rule](#) on January 9, 2017. Compliance with the new Section 508 standard as of January 18, 2018. The new rule harmonizes its requirements with WCAG 2.0 A and AA. While Section 508 is



only required of federal agencies, many organizations choose to adopt it as a model for their web accessibility policy.

Planning an Organizational Web Accessibility Policy

When considering the level of accessibility offered by an institution's e-learning environment, it is important to be aware that it requires an organizational approach. Multiple enforcement activities of the Department of Justice such as its [settlement agreement with Louisiana Tech University](#) or its [consent decree with Miami University et al](#), indicate several best practices to incorporate into an institution's web accessibility policy such as the following:

- **Determine a point of contact:** An individual should be designated as a point of contact, a web accessibility coordinator, to help centralize the effort of creating, establishing, and maintaining an accessibility policy.
- **Develop web accessibility policy:** As the policy is formed, attention should be given to what laws or regulations apply to the institution, what relevant standards are applicable, and what goal the institution sets for itself in terms of expectation.
- **Benchmarking web accessibility:** After the policy is created, an institution should review its existing web content for accessibility, make any necessary improvements where appropriate and feasible, and plan how access will be insured and by what standard moving forward on all new content.
- **Ongoing web accessibility testing:** The review process should be carried out by multiple parties. The college or university should conduct an in house accessibility review utilizing assistive technology. It can be helpful to also use a third party automated tool to check web pages and content. In addition to internal testing, an outside party should also be incorporated into an assessment. This should include users with disabilities or an organization familiar with how individuals with disabilities interact with web based technology. This process of testing should be ongoing.
- **Education about the new policy:** The organizational web accessibility policy should be disseminated throughout a college or university from the web/information technology team, to faculty, and to students. The public should also be informed of the policy through posting on an institution's web pages.
- **Training staff:** As part of the organizational commitment to accessibility, staff should be trained on digital accessibility and the importance it plays for the university or college in



its obligation under the ADA and/or Section 504. Whenever applicable, goals regarding accessibility should be incorporated into staff goal setting.

- **Budgeting for accessibility:** Finally, it must be recognized that this work will require budgetary planning. Time and funds will need to be marked to support this work.

Guidelines for reviewing web accessibility

Conducting a thorough review of an e-learning environment and website should draw on best practices as a guide. Given the lack of an explicit official standard for the ADA and Section 504, it seems wise to use WCAG 2.0 AA as a model given the Department of Justice's enforcement activity noted earlier. WCAG is focused on four principles: perceivable, operable, understandable, and robust. Under each of these principles, there are various success criteria or testable statements to determine the level of access provided. AA is the middle of three levels of success criteria: A, AA, and AAA. Conformance progresses from level A (lowest amount of accessibility) to AAA (the maximum amount of accessibility and usability). Hence, level AA is inclusive of A, and AAA is inclusive of both A and AA. The aim of WCAG 2.0 is to create access for as many individuals as possible, including those using assistive technology. Accessibility should be available independent of a specific type of assistive technology or platform used to access the web content.



Determining Legal Obligation

The following list of laws can help an organization understand its potential obligations to provide accessible web content.

ADA Title I: Applies to all employers with fifteen or more employees.

Yes

No

ADA Title II: Applies to all state and local government and their instrumentalities including such entities as community colleges, state universities, and vocational schools.

Yes

No

ADA Title III: Applies to businesses, including nonprofit entities, that are open to the public including places of education such as private colleges and universities.

Yes

No

Section 503 of the Rehabilitation Act: Applies to entities with federal contracts of \$10,000 or greater.

Yes

No





Section 504 of the Rehabilitation Act: Applies to all entities receiving federal financial assistance.

Yes

No

Section 508 of the Rehabilitation Act: Applies to federal government agencies, but is sometimes adopted voluntarily by institutions as part of information technology policy.

Yes

No



Policy Considerations

This series of questions can help an organization determine how defined their web/information technology policy is in reference to accessibility and what further steps might be taken.

- Policy
 - Does your institution have an accessible web and electronic information policy?
- Education about web and electronic information policy
 - Is the institution's web accessibility policy communicated to the public on its web pages?
 - Are staff including faculty made aware of and educated concerning the institution's accessible web policy?
- Staffing to support policy
 - Does your institution have a designated web accessibility coordinator?
 - Has the time and financial commitment to create and maintain accessibility been planned?
- Testing for accessibility
 - Does your institution test its website with an automatic accessibility checker?
 - Does your institution test its web content and pages with screen reading software?
 - Does your institution conduct independent third party accessibility testing of its web content by users of screen reader software and/or by other individuals with disabilities?
- Reasonable accommodations regarding web accessibility
 - Is there a clear policy on how your institution handles reasonable accommodation requests regarding web accessibility concerns?
 - Does your institution provide language to request accommodations on web based registration forms?
- Inaccessible assets
 - If a feature of a web page or course is found to be inaccessible:
 - Can it be made accessible?
 - Is the feature necessary for the course?
 - Can an alternate process replace the experience?
 - Can effected individuals still equally participate in the activity or course?



Technical Considerations

This series of questions can mark a beginning of an accessibility review. Loosely based on WCAG 2.0 AA, the more positive responses indicate a greater level of accessibility. Remember that this list does not ensure a specific level of WCAG compliance. Please review [WCAG 2.0](#) when planning a review.

- **Perceivable**

- Is there appropriate and meaningful text for all hyperlinks, document content, menus, buttons, and images?
- Is text provided for all non-textual items?
- Do all graphical objects have identifying labels such as an alt tag or file name??
- Is the intent of all text accompanying links, images, buttons, menus, and other elements clear and accurate?
- Are alternative methods offered for time based media? Can users adjust the visual appearance of web content to more easily customize their experience to their disability needs?
- If information is conveyed through color, is that same information communicated in alternate ways?
- If present, is color contrast sufficiently distinguishable e.g. 4.5 ratio for normal size text and 3.1 for enlarged text?
- Is an alternative method of communication provided for media; e.g. captioning or transcripts for video content?
- Is sufficient time given for a user to read and understand time based content?
- Can the size of text of a web page be adjusted by the user without losing its content or functionality?
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- **Operable**

- Can screen reader software successfully navigate tables and multicolumn text found on your pages?
- Can someone use the tab key to navigate through your web pages and locate all content?
- Is all functionality available from a keyboard?
- If flash technology or JAVA is used on a page, is there an alternative method for a screen reader user to interact with that content?



- Can a user of screen reader software avoid or disengage splash screens and other automatic refreshing content?
- Are tools such as headings and navigational links provided to help users navigate, find content, and determine where they are?
- Are there tools for users of screen reader software to avoid redundant links on a page; e.g. "skip to" links?
- Is the refresh rate of any flash media sufficient to avoid causing seizures for individuals with related conditions?
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- **Understandable**
 - Can content be presented in different ways (for example by employing a simpler layout) without losing information or structure?
 - Can a person using screen reader software navigate and understand all elements of fillable forms? Note that where headings for specific input fields are not adjacent to their corresponding element, there may be an issue if the element is not tagged.
 - Is text content written in as plain and clear language as appropriate?
 - Do Web pages appear and operate in a predictable consistent manner?
 - Is information provided to help users avoid and correct mistakes?
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- **Robust**
 - Has the content, appearance, and operation of web pages been maximized for compatibility with current and future users including those utilizing assistive technologies?

