> *Law firms representing private litigants are increasingly aggressive in pursuing retailers, including credit unions, regarding website and mobile app accessibility suggesting they are not equally accessible to people with disabilities.*
>
> *Unfortunately, these risks involve compliance and regulatory change with ambiguous requirements and stipulations.*
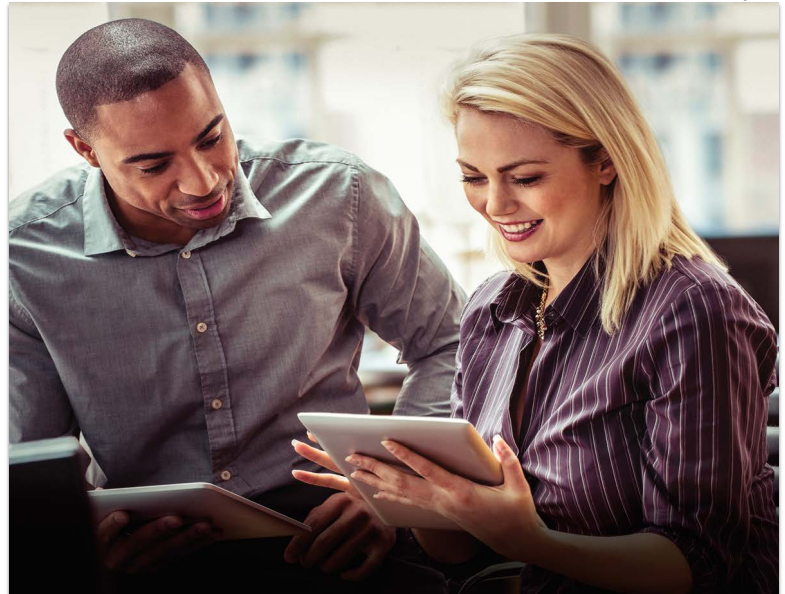
Website Accessibility Challenges

Consumer rights attorneys and the Department of Justice began filing or threatening to file legal action based on allegedly inaccessible websites and mobile applications.

While there are not yet specific regulations addressing website accessibility, these consumer rights attorneys are relying on the general language of the **Americans with Disabilities Act (ADA)** for public accommodations to make demands and bring actions claiming that credit union websites are not equally accessible to people with disabilities.

Most of the demand letters state that the credit union's website and the services it provides are not accessible to blind and visually impaired consumers. The message points out that because your website or app contains digital barriers, access limits the ability of these individuals to use screen reading software and other assistive technology to access website content.

Credit unions should conduct a thorough risk assessment of websites and mobile applications to identify any accessibility issues. Some common barriers are incompatibility with speech recognition or screen reading software; lack of text-based alternatives to media content; poor color contrast or small text size; and transaction timing requirements that do not take into account intellectual disabilities.

Web Content Accessibility Guidelines (WCAG) 2.0 Checklist

- Developed through the Web Accessibility Initiative (WAI) of the World Wide Web Consortium (W3C)

- Goal of providing a single shared standard for web content accessibility

- Explains how to make web content more accessible to people with disabilities

- Focused on web page or web app including:

  - Natural information, such as text, images and sounds

  - Code or markup that defines structure, presentation, etc.

- WCAG 2.0 contains 12 guidelines for website accessibility that are organized under four principles: Perceivable; Operable; Understandable; and Robust

Read on to learn more about the guidelines and conformance levels.

Principles	Related Guidelines
Perceivable: Information and user interface components must be presentable to users in ways they can perceive (it cannot be invisible to all of their senses)	• Provide text alternatives for non-text content. • Provide captions and other alternatives for multimedia. • Create content that can be presented in different ways without losing meaning. • Make it easier for users to see and hear content.
Operable: User interface components and navigation must be operable (the interface cannot require interaction that a user cannot perform)	• Make all functionality available from a keyboard. • Give users enough time to read and use content. • Do not use content that causes seizures. • Help users navigate and find content.
Understandable: Information and the operation of user interface must be understandable (the content or operation cannot be beyond their understanding)	• Make text readable and understandable. • Make content appear and operate in predictable ways. • Help users avoid and correct mistakes.
Robust: Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies (as technologies and user agents evolve, the content should remain accessible)	• Maximize compatibility with current and future user tools.

Conformance Levels

To comply with WCAG 2.0 web pages, you must meet the guidelines within one of the conformance levels.

Level A – minimum level of conformance for access and contains criteria providing basic web accessibility that are most feasible for web content developers.

Level AA – intermediate level for access and contains enhanced criteria that provide more comprehensive web accessibility and yet are still feasible for web content developers.

Level AAA – maximum level of access and contains criteria that may be less feasible for web content developers. The WAI does not recommend requiring conformance Level AAA for entire websites since it is not possible to satisfy all criteria for some content.

Many industry experts believe the Department of Justice will adopt WCAG 2.0 Levels A and AA as the standard for public accommodations.

Additional Assistance

WC3 provides a list of vendors offering website accessibility evaluation tools to help organizations determine if their website meets accessibility guidelines and determine what adjustments, if any, need to be made to their websites. In addition, many credit unions will also use a third party to assist in bringing websites into compliance. While many vendors offer these services, be sure to perform due diligence when selecting one.

For a more detailed discussion and specific guidelines on WCAG 2.0, refer to WebAIM's WCAG 2.0 Checklist.

Where to start

With aggressive pressure regarding equal accessibility to all people, including those with disabilities, for website and mobile applications, credit unions should conduct a thorough risk assessment of websites and mobile applications to identify any accessibility issues. Use this checklist to help you with your next actions.

Define a policy

☐ Establish someone to be the point person – typically someone with IT responsibilities

☐ Define a goal or requirement for the website accessibility standard to include the WCAG 2.0 Conformance Levels

☐ Document steps your credit union has and will take towards website accessibility conformity

Engage a vendor / consultant

☐ Select a reputable vendor with ADA compliance experience and tools (WC3 vendor list)

☐ Conduct a WCAG 2.0 website test

☐ Agree on and document a strategy for compliance to conformance levels including target dates

☐ Include indemnification clause language in your agreement to protect your credit union in the event the vendor fails to make the website compliant as agreed upon

☐ Ensure your contract includes website maintenance to keep your website ADA compliant. Be sure to include a specific maintenance and testing schedule

Use compliance tools / resources

☐ Set-up a schedule for periodic accessibility checkpoints

☐ Use or develop a checklist for testing

☐ Maintain a spreadsheet with testing results identifying weaknesses and gaps. Be sure to include test dates and specific target dates to bring into compliance.

☐ Test your website and mobile application templates using different methodologies

☐ Set-up a system to track new content that is added or modified

Website accessibility is an ongoing process that must be monitored and maintained.