Thank you for joining, we'll begin shortly.

Note: This session is being recorded.

Please submit your questions in the Q&A section

If you experience any technical difficulty please use the chat box

Disability:IN DC Metro

Your business partner for disability inclusion.

eSSENTIAL ACCESSIBILITY

Disability: IN DC Metro
&
eSSENTIAL Accessibility

Software & Platform Digital Accessibility
Ensuring digital accessibility from your software vendors

Today's call will be recorded
The session will include live captioning and ASL provided by iYellow

Disability:IN DC Metro

Your business partner for disability inclusion.

ESSENTIAL ACCESSIBILITY

Disability:IN DC Metro

Katherine McCary
Katherine.McCary@gmail.com
CEO, Disability:IN DC Metro
President, C5 Consulting, LLC

Speakers

Ian Lowe
Chief Marketing Officer,
eSSENTIAL Accessibility

Kris Rivenburgh
Regulatory Affairs,
eSSENTIAL Accessibility

Market Conditions

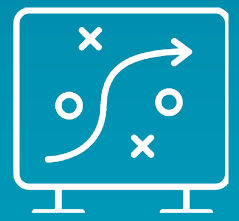
Regulatory Environment

Private enforcement and new laws

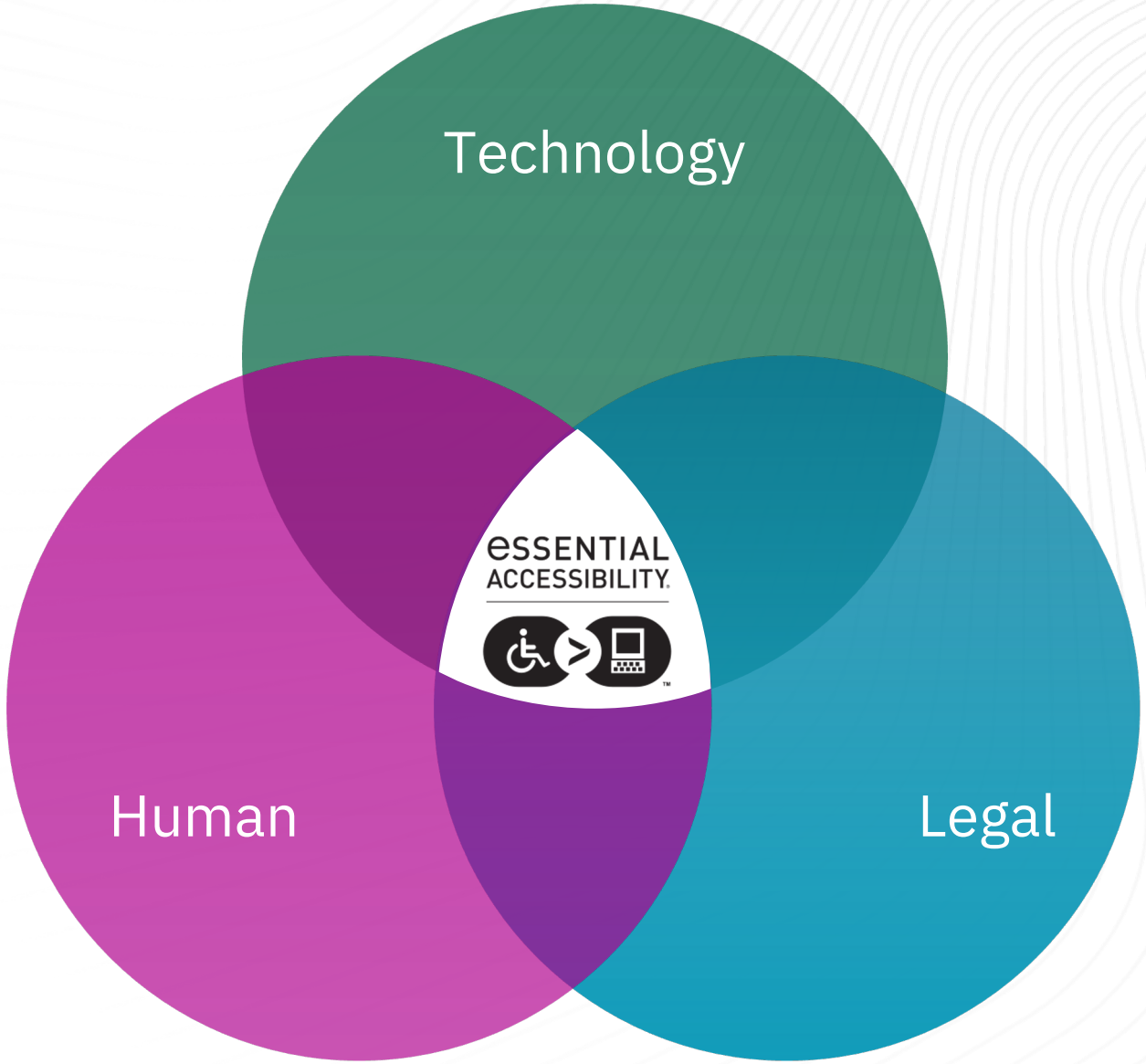
Pandemic Impacts

Massive digital transformation and digital adoption

Competitive Landscape



Best brands are adopting a11y & DEI


Technology
Human
Legal
ESSENTIAL ACCESSIBILITY

The Next Step: Vendor Accessibility

ESSENTIAL ACCESSIBILITY

Section 12182(b)(1)(A)(i) Denial of participation

"It shall be discriminatory to subject an individual…on the basis of a disability…, directly, **or through contractual, licensing, or other arrangements**, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities…

Thurston v. Midvale

“...appellant offers no legal support for its theory that it cannot be liable for ADA discrimination if it hires someone else to do the discrimination.”

Generally

If a third party product or service is integrated into your offering, that third party integration constitutes part of your overall offering and you are potentially responsible for any shortcomings, just as you would be your own.

Generally

If a third party product or service is incidental to your offering, then you are far less likely to be responsible for its accessibility.

General Test

Does my offering rely upon a third party integration for functionality or access to content?

Objective

To improve product and service procurement processes and strengthen accessibility when reliant upon third-party sourced products and services in your digital offerings.

Third-Party Integrations

- Services
  - Freelance writers
  - SEO agencies
  - Video production studio
- Products
  - Feed embeds (social, financial, news, etc. feeds)
  - Frameworks (website, web apps, mobile apps, etc.)
  - Software, platforms, etc.

Procurement Policy Creation

- At least one drafter knowledgeable of accessibility
- Closely aligned with internal company policy
- Should at least be mentioned within your internal company policy (referenced document? – depends)
- Requirements
- Preferences
- Procurement process

Policy Creation con't

- Definitions
- Roles responsible
- Any scoring system / evaluation criteria
  - Details
- Dates
- Reporting
- Enforcement

Requirements

- What will you require?
  - Training
  - Agreement to standards (e.g., your own guidelines)
  - WCAG 2.0 AA
  - ACR / VPAT
  - Procurement form (yours)
- Tangible evidence of a contractor’s ability to meet requirements / standards

Requirements con’t

- Make requirements a part of the contractual agreement.
  - Vendor must meet your baseline requirements at all times
  - Vendor must agree to their assurances provided
  - Duration
- Requirements can always be supplemented with additional details specific to relationship

Preferences

- Provide for flexibility in policy (e.g., No WCAG 2.2 AA or bust)
- Not because accessibility shouldn’t be there but because sometimes it isn’t
- If no vendor offers accessible products, then what?
- Industry research is necessary (i.e., it depends what you source)

Procurement Process

- Put a systematic process in place for evaluating / selecting vendors / procuring products and services
  - Project created
  - Third-party needs identified
  - Base minimum requirements must be met
  - If no minimum requirements met, then second tier process
  - Once minimum pool is left, evaluation process begins

Evaluation (after minimum requirements)

- VPAT – yes
- VPAT issuance – self or sourced?
- VPAT named issues – raw score, relevance?
- Options for evaluation or remediation

Relevance

- Integration sources cards to all news stories (w/ images) into the sidebar of your crypto trading platform but alt text values are not provided

- You only want text headlines and will disable all images from showing

- Technical issue, yes – relevant, no

Weighing Metrics

- Scoring System Possibility
- You do not have to choose a vendor because their product or service has the best accessibility but accessibility must influence your choice.
- If your budget is $20,000 and a 10/10 accessibility product costs $500,000, it doesn’t matter that that product is the best accessibility choice
- Be realistic but do strongly factor accessibility

Remediation / Mitigation

- Relevance to use (i.e., is issue related to your use of product?)
- User testing / audits (e.g., does testing group with disability affected find issue detrimental)
- Willingness of vendor to remediate (i.e., is vendor willing to fix issues on the spot to earn contract?

Maintenance

- Version 4.2 of product coming out next
- Does accessibility carry over when the new V 4.2 is released?
- Maintained accessibility must be in contract and SOW
- Do not quietly redline it, emphasize accessibility and gauge receptiveness

Intuition Now Saves Later

- If you know the vendor is only saying what you want to hear, re-evaluate
- Accessibility is essential to your operations
- Procurement education and awareness is a big part of integrating accessibility vs. reacting to problems
- Technically checking boxes leads to problems later
- Reviews vs. automated scan vs. relationship

Vendor Accessibility Policy

- There’s no one way to create one.
- What’s important is that your policy is representative and reflective of the realities that present themselves in your current procurement practice
- Create and implement an accessibility policy draft first
- Edit and revise your policy as you run your pilot program (e.g., 6 months to one year)

Distribution

- Once you're ready, distribute your Accessibility Policy to all relevant parties
  - Everyone on your procurement team
  - All regular contractors and vendors

- A draft rollout is likely fine (but discuss internally)

Broad Overview

- Carry forward internal accessibility policy to all vendors
- Put requirements and processes in place to ensure you get an acceptable product / service back in return
- Make contracts contingent upon maintained accessibility / improvement

Draft First, Refine As You Go

- Maximum 5 pages
- Keep requirements basic and fundamental
- Improve on them as you go
- Getting started with a policy draft now is the perfect first step

Thank You

Questions?

ESSENTIAL ACCESSIBILITY

Resources

- Disability: IN DC Metro - www.di-dcmetro.org -- Sign up for newsletter
- PEAT Buy IT Your Guide to Buying Accessible Technology - https://www.peatworks.org/digital-accessibility-toolkits/buy-it/
- Evaluating Product Accessibility - https://www.essentialaccessibility.com/blog/evaluating-product-accessibility-vpats
- US Department of Labor, Office of Disability Employment Policy (ODEP) - www.dol.gov/odep
- M-Enabling Summit - https://m-enabling.com/
- The Global Initiative for Inclusive ICT- https://www.g3ict.org/
- WeThe15 - https://www.wethe15.org/
- International Association of Accessibility Professionals - https://www.accessibilityassociation.org/
- Disability:IN - www.DisabilityIn.org

Contact

Ian Lowe
ilowe@essentialaccessibility.com

Kris Rivenburgh
kris@essentialaccessibility.com

Eduardo Meza-Etienne
emeza@essentialaccessibility.com

ESSENTIAL ACCESSIBILITY

Disability:IN DC Metro
Your business partner for disability inclusion.

Disability:IN DC Metro

Your business partner for disability inclusion.

Deloitte.

Disability: IN DC Metro Upcoming Events

Mental Health in the Veteran Community

Tuesday, November 16, 2021 (11am – 1pm)

Veteran Transition Event

Wednesday, November 17, 2021 (11am – 1pm)

Disability:IN DC Metro

Your business partner for disability inclusion.

Thank you for Joining!

ESSENTIAL ACCESSIBILITY