

White Paper: How to Buy a Digital Accessibility Solution

Best practices to adopt and pitfalls to avoid on the journey to sustainable, cost-effective digital accessibility

Executive Summary

Enterprises and public organizations are waking up to the need for digital accessibility. Ensuring that people of all abilities have full access to your corporate website is not only a moral imperative but also a legal obligation.

With the number of federal and state accessibility lawsuits growing rapidly, organizations need to move fast to address their risk — but it's not always clear who is responsible internally, how to tackle the challenge, and how to justify the required ongoing investment.

This white paper outlines the typical buyer journey of organizations that have successfully tackled the challenge of digital accessibility, providing a step-by-step guide that you can apply to your own organization.

Key drivers of digital accessibility

The Americans With Disabilities Act (ADA) guarantees the right of equal access for all people, regardless of their ability. Although the legislation predates the world wide web, it's still generally considered applicable to today's online world: Thousands of recent cases in U.S. courts support the interpretation that the ADA covers websites in the same way it does physical locations.

Given that 26% of U.S. adults are living with a disability, rapid growth in the number of digital accessibility lawsuits is perhaps unsurprising — and the statistics don't lie.¹ The number of such suits filed in U.S. federal district courts has tripled in the past three years, from 815 in 2017 to 2,446 in 2019.²

What does all this mean for enterprises and public organizations in the U.S.? Websites that don't conform to accessibility guidelines are not just a missed opportunity to build relationships with a quarter of the population, they represent a significant legal risk. Organizations that are sued under the ADA can not only be liable to face significant financial penalties but also considerable negative impacts to their brand and public reputation.

Footnotes

¹ <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>

² Throughout 2019, AudioEye tracked ADA Title II and Title III lawsuits as filed in U.S. federal district courts and state supreme and superior courts. This report considers all identified lawsuits as tracked by AudioEye staff. It does not include any calculation of the number of legal demand letters asserted by plaintiff's making claims of non-compliance. AudioEye does not guarantee the accuracy of this report but has taken measures to track the details of the filed claims to the best of its ability given the resources available and the limited information supplied through the various sources associated with the publicly available information.

As the legal risk continues to grow, many organizations are only just beginning to define the chain of stakeholders responsible for digital accessibility. Often, the initial impetus comes from within the marketing department, as digital accessibility is concerned primarily with user experience on the website. Alternatively, if the organization has already been served with a lawsuit, it may be the legal team that takes the lead.

If you have been tasked with the responsibility of achieving digital accessibility within your organization, you may already be well aware of the importance of the issue. However, the best way to respond may be less clear.

This paper will present the key stages that organizations of all sizes and types typically go through when tackling digital accessibility. Each stage will have different implications for you, and each decision you make will be influenced by factors specific to your organization. Nevertheless, the stages we outline here can act as a best-practice framework to help you navigate the route to compliance.



Stage 1: Engagement

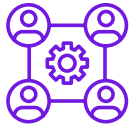
The first step on the journey to digital accessibility is to know where you stand today. As an organization, how well do you understand the legal requirements? Which parts of the legal code apply to your online properties? Have you evaluated the potential penalties for noncompliance? How much do you know about the Web Content Accessibility Guidelines (WCAG) and how to meet them?

It may be the case that your organization is relatively mature and has already engaged in digital accessibility initiatives. If so, it is useful at this stage to review what has been done already — and to see what has worked and what has not.

On the other hand, if your organization has never tackled the issue in a structured manner, you may need to take the lead on understanding the implications so you can communicate internally on the importance of the topic.

It is important to understand that there will be costs for compliance: Your organization will need to invest time, money and resources even to achieve the bare-minimum standard. However, instead of treating digital accessibility as a necessary evil, why not aspire to be best-in-class to achieve a positive outcome for the organization and customers?

Beyond code and compliance, this process is about broadening your offer to a larger market and doing the right thing in societal terms. The impact of digital accessibility on an organization's corporate social responsibility standing is undeniable and could even lead to an uplift in sales. Customers want to engage with socially responsible organizations: Independent studies have shown that 75% of people would not buy from a company if they knew it was violating anti-discrimination legislation.



Stage 2: Identify the Stakeholders

Once your organization is ready to commit to achieving digital accessibility, the next step is to determine who else needs to be involved in making and approving decisions. There may be several groups that need to participate or contribute monetarily, and there may also be key influencers among the senior management team who need to be involved. It is vital to identify all of the stakeholders as early as possible in the project before committing significant time and resources.

For most organizations, a digital accessibility initiative will involve some or all of the following four groups:

- **Legal** — typically the most influential team, they will need to appreciate the corporate risk and approve the chosen approach
- **Brand/marketing** — beyond the legal risk of noncompliance is the opportunity for better brand perception through a successful digital accessibility project
- **User experience (UX)** — digital accessibility centers on each user's experience of the corporate website
- **Web development** — digital accessibility is a technical topic that is often assumed to be the development team's responsibility even though developers are unlikely to possess the very specialized skills required

Each group will have its own reasons for wanting to be involved and its own goals for a solution, which may not always align perfectly. **Engaging a solution provider with previous experience managing major digital accessibility projects can help you identify the stakeholders, navigate any tricky political waters and sell the concept to key decision makers.**



Stage 3: Understand the Buying Model

Broadly speaking, organizations fall into two camps when it comes to buying solutions: centralized and decentralized. The key question is whether the identified stakeholder groups will commit part of their own budget to a digital accessibility initiative or whether you can access a centralized budget.

If there is a centralized budget, you need to find out who is responsible for funding centralized projects and work to secure their buy-in. If your organization is decentralized, the task will be somewhat harder, as you will need to secure separate buy-in from groups that potentially think digital accessibility is another group's responsibility.

Again, it may be helpful to work with an experienced solution partner that can support you in making the financial case and apportioning the costs.



Stage 4: Work Through the Options

The next stage is all about gathering necessary information from each internal group. Each will have its own drivers: Legal will want to understand how any given solution will help achieve compliance. The development team will want to be confident that the chosen solution won't break anything else in their technology stack. UX will want to understand the implications on website design and the user journey. Finally, marketing will want to understand the impact on design, SEO, and brand value. By working with each group to clarify precisely what's most important to them, you can confidently settle on a solution that will meet all internal needs.

One big question that is sure to arise at this stage is whether to build accessibility expertise in-house or outsource it to a third-party service.

In many organizations today, there is an expectation that projects will initially be attempted using existing internal resources as a means of saving both initial implementation costs and long-term maintenance expenses.

However, for specialized topics like digital accessibility, it can take up to two years to develop sufficient internal knowledge around the legislation and the technical standards. During this time, the business continues to be exposed to legal and reputational risk, and the standards continue to change. **You will need to consider your organization's appetite for risk when determining whether to go it alone or work with a third-party provider.**



Stage 5: Establish Resources and Timelines

Whichever route you choose, you will need to decide the resources and budget for the initiative, and these will have an impact on the likely timeline. For organizations that are starting from scratch and working with an experienced external provider, a realistic timeline to compliance — including the typical long procurement cycle — is 12 months. Where resources and funding are already in place, the timeline may be as little as five months. Either way, you should consider how you will manage the risk of digital accessibility lawsuits during the project lifecycle.



Stage 6: Select a Solution

There are three main routes to compliance. The first is to build internal expertise to bring the website up to the required standard and ensure ongoing compliance. This level of commitment can take months — if not years — of effort and have a negative impact on agile development cycles.

The second option is to engage an external consultant to audit the site periodically and instruct the internal team on how to apply the appropriate accessibility updates. While this approach removes the need to internalize knowledge and skills, it introduces a dependency on a third party and does not offer any protection if — or, rather, when — you make changes to your site between audits.

The third option is to engage an external specialist offering both digital tools and human expertise. **The key point here is the need for a sustainable solution: Legislation, web standards, assistive technology and your own website content will continue to change over time, so you need to be assessing accessibility continuously to ensure you stay on the right side of the law.**

Many providers will offer low-cost, automated accessibility tools, but these will typically resolve no more than 30% of such concerns. Instead, you should choose a partner that supplements its digital tools with human-mediated discovery, testing and resolution of accessibility problems, which can ensure much more comprehensive coverage.

You should also ask whether your chosen supplier offers any certification against ongoing legal threats. Fixing every single accessibility issue on your site may require months of testing and remediation, so you want a provider that will protect you from day one.

Choosing the most effective partner will also help you communicate with internal stakeholders about the need for patience and a thorough approach. Whatever some providers may claim, digital accessibility is not quick and easy to achieve for most organizations. Even if your organization aspires to handle this responsibility in-house, the best starting point is to engage a partner to get you up to standard and give you time to build the required skills and experience internally.

Ideally, your outsourcing provider should offer:

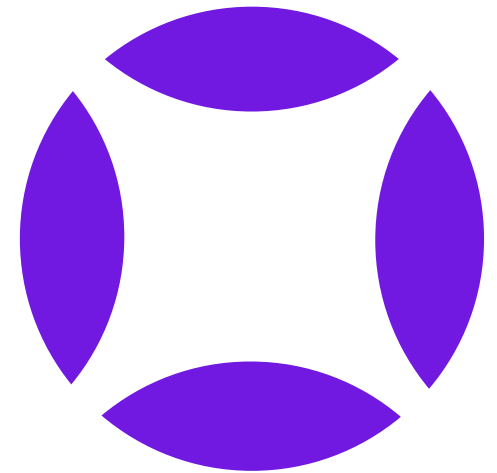
- Deep experience in both the legal and technical domains
- A one-stop-shop approach that reduces complexity for you
- Robust legal advice and comprehensive documentation from the outset
- A cost-effective service for ongoing compliance, regardless of the number of website changes
- Rapid remediation of any emerging compliance concerns or complaints
- A proven track record of success in helping companies deal effectively with lawsuits

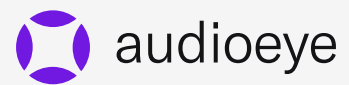
AudioEye Solutions for Accessibility

As the first-to-market provider of fully managed, outsourced digital accessibility technology solutions, AudioEye offers a full range of products and services for website accessibility, from self-service tools to best-practice managed services.

AudioEye uses patented technology combined with the latest artificial intelligence and machine learning techniques to automate the testing and remediation of common accessibility issues. For more complex problems, AudioEye draws on its deep subject-matter expertise to create custom remediations, which are deployed via our proprietary and patented dynamic remediation technology.

Contact AudioEye to find out how you can rapidly and cost-effectively achieve compliance, reducing risk and cost while improving your ability to engage with a fully diverse audience.





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