Seeking Clarity: Web Accessibility in Higher Education
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Web accessibility ensures websites are usable for people who are blind, low vision, deaf, hard of hearing, color-blind, have photosensitive seizure disorders and those with a mobility disability that prohibits them from using a mouse. Web accessibility is not just important, federal law requires it for post-secondary institutions that receive any federal funding such as financial aid or Title III grants.

If the websites from a federally funded institution of higher education or the content on those websites is inaccessible to a person with disabilities, that college or university is out of compliance with federal disability laws Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) and at risk for an investigation by the Office of Civil Rights and a discrimination lawsuit from a student with a disability.

The threat is real. In recent years, The National Federation of the Blind has filed civil rights complaints against multiple higher education institutions and helped blind students sue their college or university for discrimination because of inaccessible websites.

These lawsuits and a Dear Colleague Letter sent to every college and university president in June 2010 by the departments of Education and Justice and a follow up to that letter, sent in May 2011, has made it abundantly clear that the Departments of Education and Justice see college websites (including online course websites) as included in the non-discrimination requirements imposed with federally funding. But neither Section 504 nor the ADA says anything about web accessibility specifically. So how does a college know when it is in or out of compliance?

The only standard that the Department of Education points to, to measure compliance is the ADA requirement that communications with persons with disabilities must be “as effective as communications with others” [28 C.F.R. ss 35.160(a)]. There is a proposal to add a set of web accessibility standards to the ADA, but no clear direction or decisions have been made.

Thankfully, accepted web accessibility standards do exist. Another section of the Rehabilitation Act, Section 508 of the Rehabilitation Act is the U.S. federal government’s accessibility standards for its own electronic and information technology, including websites. And the Web Content Accessibility Guidelines (WCAG) 2.0 are internationally accepted standards. Some people feel that the government would use its own standard (Section 508) to measure the accessibility of a college and university website. But WCAG 2.0 is generally considered to be the better standard of the two for web developers to follow. WCAG 2.0 is much more specific to web design and development, whereas Section 508 applies to all electronic information and technology. In addition section 508 is currently undergoing updates and is adopting many of the WCAG 2.0 standards.

So which should your institution follow? What do other colleges and universities use as their standard? The first thing to do is check to see if your state law defines a web accessibility standard that your institution must follow. If your state does not, and many do not, the decision must be made by your institution.

My position at Portland Community College in Portland, OR serves to ensure online courses are accessible. There is no Oregon state law regarding web accessibility for public institutions, so our institution had to choose a standard. We chose to follow the WCAG 2.0 standards, which has three levels of compliance: A, AA and AAA. We chose AA as it is neither the most stringent nor the least. It is fairly common for those following WCAG 2.0, to choose AA as their level of compliance. We are developing a policy stating this is our standard. Terrill Thompson from the University of Washington has compiled this helpful list of policies from other higher education institutions.
Choosing the web accessibility standards your institution will follow is the first big step to ensuring its compliance. Most colleges and universities are struggling with this same lack of clarity from the federal government. This is the first in a series of articles to chronicle our journey to address accessibility in online classes.

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