Make Your Website Accessible Before You Are Forced To

An inclusive design approach avoids costly legal issues and reaches new visitors.

By Sina Bahram

In 2010, the Department of Justice (DOJ) announced it would issue new regulations under Title III of the Americans with Disabilities Act (ADA) to address the accessibility of public accommodation websites (entities that do business with the public). Regulations are still pending. In the meantime, several lawsuits have been brought by persons with disabilities alleging that some websites violate ADA, and the courts are not waiting for the DOJ regulations to be enacted before ruling on the cases.

Despite the absence of new regulations, to comply with the law, museums must make their websites accessible now. This article offers guidance and justification on making websites inclusive.

Museum websites attract many more visitors than their physical buildings. However, museums currently exclude millions of people with disabilities from taking part in their digital offerings. This exclusion often comes from a lack of knowledge of how persons with disabilities interact with technology. Someone who is blind can use an iPhone to read a website, for example, because all of Apple's products feature VoiceOver, a built-in screen reader that verbalizes what is under the user's finger. Someone who is deaf or hard of hearing can make phone calls with TTY technology (a digital means for text communication over a telephone line) and enjoy video and other rich multimedia websites because captioning/transcript support exists on virtually every smartphone. Those who cannot move their hands or can only move their heads can use an iPad to explore an on-line collection with switch-based access, which allows them to control the system using head movements alone.

Many are surprised to learn that these features exist in our everyday devices. Combined with such features, some easy modifications to the ways that museums create and distribute digital content can empower millions of visitors. Sometimes a simple oversight, such as posting an image without a written description for a screen reader to read, can render otherwise excellent web content inaccessible to a blind visitor. Similarly, designing a webpage assuming that everyone uses a mouse excludes the keyboard-only user. To test this, try using your keyboard's Tab key to navigate your favorite websites. Additionally, omitting captions based on the assumption that everyone can hear makes a video inaccessible to someone with hearing loss.

The following questions help us explore this topic in greater detail.

What is Disability?

There are two models of disability: the medical model that treats disability as something to be fixed or medically treated and the social model that considers the environment to be disabling, not the individual. This second version, the social model, asks us to consider all audiences earlier rather than later. This early consideration of a variety of functional abilities is known as universal design.

What is Universal Design?

Universal design includes the considerations we can make up front in any project, physical or digital, that allow all users an equitable experience, regardless of any differences in ability. I like to call universal design "inclusive design" because inclusion is at the core. Think of a set of double doors with a push bar and button to open them. While these features are more critical to a wheelchair user than to someone whose hands are full, both individuals benefit from such an inclusive approach. Universal design is good design. The principles of universal design improve both our digital and physical projects, making them available to the widest possible audience.

We have all experienced the benefits of universal design. Today, we no longer argue about the value or need for ramps, curb cuts, and braille labels on hallway signs. In fact, we expect them. The reasons for this are quite simple: It's the law. It's the right thing to do. And, yet, in virtually every website redesign, mobile app development project, interactive kiosk discussion, and the myriad of other technology projects that museums work on daily, accessibility and inclusive design are given very little consideration and far less budget. Even when such critical issues are considered, it is almost always as an afterthought. This approach harms both the museum and the visitor.

What Can Museums Do?

Start now! Don't wait on a judgment or settlement to force you to do later what you can do now for less cost. The principles of universal design, the guidelines discussed below, and other inclusive practices are actionable next steps. Their use benefits the museum and every visitor.

On the procurement front, museums can start improving, or, in some cases, enforcing, the language of their contracts with their vendors. This shouldn't be looked upon as a burden but as simply asking developers to follow recommendations that have existed for years. There are sometimes difficult issues with remediating legacy projects, but new projects have ever-fewer excuses to be inaccessible.

If a website redesign is scheduled, make sure accessibility and inclusive design are part of the initial discussion and associated budget. When sending out requests for proposals, make sure vendors know that only those that commit to inclusively designing their deliverables will be considered, and most critically, that signoff won't be granted unless inclusive design criteria are fully met.

Are There Guidelines or Recommendations to Follow?

Many accessibility and legal experts agree that the DOJ's forthcoming definition will point to the Web Content Accessibility Guidelines (WCAG) 2.0, level AA. Released by the World Wide Web Consortium, these guidelines codify the functional criteria with which web content must comply to be considered accessible. (Access the guidelines at w3.org/TR/WCAG20/)

In 2016, a paper by Bruce Wyman, Corey Timpson, Scott Gillam, and myself entitled "Inclusive Design: From Approach to Execution" was awarded the best paper award at the 20th annual Museums and the Web Conference. The paper weaves together such principles as discussed above while also conveying the hundreds of insights we gleaned while building the most inclusively designed museum in the world, the Canadian Museum for Human Rights.

Are There Repercussions If Museums Do Not Comply?

Yes! By not complying, you are reiterating a clear message that you do not wish to include a significant ever-growing group of individuals in our community and global discourse. Whether or not the exclusion is also a violation of particular rules and regulations should be beside the point. However, it isn't. The cost of compliance pales in comparison to the cost of a lawsuit. Following universal design is not only the modern, smart, and right thing to do, it is the strategic thing to do.

Pushing Boundaries

Museums must act now to address the exclusion of such a large portion of the population. Social opinion, legal judgments, upcoming rules and regulations, ever-increasing technological feasibility, and ever-decreasing cost are all compelling reasons to address this deep, unresolved need as soon as possible. Innovation does not arise from a fear of lawsuits, but rather from a combined effort to push the boundaries of how we can engage, delight, inform, and welcome everyone.

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