Blackboard

Accessible, Inclusive Professional Development:

A Moral and Legal Imperative

Global Accessibility Population

Approximately **1 Billion** people worldwide have some form of disability

Disability Types:

Visual Impairment
(~3% of population)

Hearing Impairment
(over 5% of population)

Motor Impairment
(~6% of population)

Cognitive Impairment
(~25% of population)

Over 14% of federal government employees have a disability

Awareness of the rights of
the learner/employee

Proactively building programs to avoid
accessibility litigation

Market Trends in Accessibility

Higher expectations for
product accessibility

Mindset shifting towards
inclusion

Lower number of employees
disclosing disabilities

Primary Federal Laws Regarding Accessibility

Americans with Disabilities Act of 1990
- Title I: Non-governmental clients – names training as an area of focus.
- Title II: Government clients – prevents discrimination

Rehabilitation Act of 1973
- Section 504: Addresses an employer who receives Federal funding, discriminating employees with a disability by not providing accommodation.
- Section 508: Focuses on making electronic and information technologies accessible.

Other state laws may also apply.

2005 The National Federation of the Blind (NFB) notified Target their website was inaccessible. Target would not commit to any action to remedy this.

2006 NFB sued Target based on these missing accessibility features:
- Lack of alternative text
- Required the use of a mouse
- Image maps were inaccessible
- Headings important to navigate the site were missing

2008 Resulted in class damages of $6 million + $3.7 million for NFB's attorney fees. Target's legal fees were not published.

https://www.w3.org/WAI/bcase/target-case-study

FedEx

2014 The U.S. Equal Employment Opportunity Commission (EEOC) filed a lawsuit charging that a large number of deaf and hard-of-hearing employees were discriminated because they were not provided closed captioning on training videos or sign language interpreters.

Undue burden is the main exemption employers use for not providing reasonable accommodations.
    FedEx employed over 65,000 people with a revenue of $11.6 billion in 2014.

2015 National Association of the Deaf (NAD) joined the lawsuit.

The case remains in litigation.

http://www.3playmedia.com/2016/03/15/fedex-ground-sued-by-eeoc-nad-for-ada-violation/

GSA

2014 The American Council of the Blind sued the U.S. General Services Administration (GSA) stating that the internal website, SAM.gov, is inaccessible and denies certain blind and visually impaired government contractors the ability to register or timely renew their government contracts online.

2015 Reached a settlement which requires GSA to make significant changes to SAM.gov. The changes will then be reviewed by another independent accessibility expert. The agreement also creates a process for ongoing testing and feedback for future changes.

http://www.adatitleiii.com/2015/11/u-s-general-services-administration-settles-suit-alleging-inaccessibility-of-its-website-for-contractors/

Addressing Accessibility

Most organizations are unaware of how to create inclusive learning and over 40% of employees choose not to disclose a disability.

24% of veterans in the US between 21-64 have a VA service-connected disability.
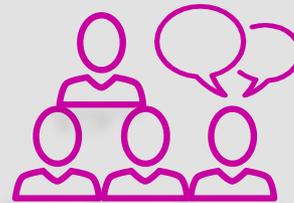
Accessible Learning Environments for All

Consider the following:
- Playing a video in class
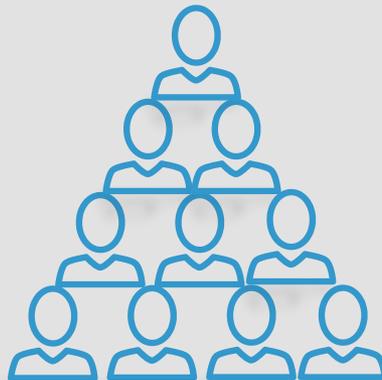
98.6% of students find captions helpful

71% of students without hearing loss use captions at least some of the time

66% of ESL students find captions "very" or "extremely" helpful

75% of students that use captions said they use captions as a learning aid

52% of students that use captions said captions help as a learning aid by improving comprehension

The most common reason students use captions is to help them focus

Accessible Learning Environments for All

Consider the following:
- Playing a video in class

- Walking down the sidewalk
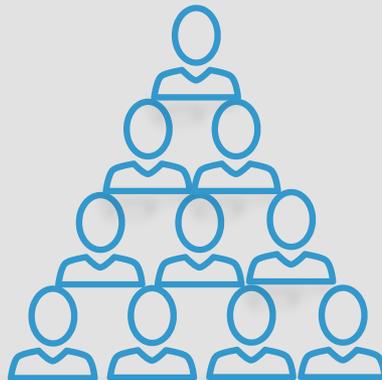
Those that have an accessibility policy and dedicated resources, and who are acting in good faith are less likely to be sued. Those that are not implementing a plan are vulnerable.

Eve Hill, Deputy Assistant Attorney General for Civil Rights at the U.S. Department of Justice

eLearning Accessibility Plan

The solution is designed to identify operational barriers and provide remediation approaches within a variety of functions related to the eLearning training process. This solution results in a comprehensive accessibility operational plan to provide a barrier-free eLearning experience for individuals with disabilities.

Review of eLearning Training Process	Operational Accessibility Plan	Goals, strategies, metrics, and tools for improvement
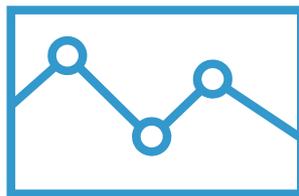
The plan will not address physical accessibility barriers nor are the recommendations a substitute for legal counsel.

eLearning Accessibility Course Audit

The solution is designed to identify barriers within eLearning courses. This solution results in course and organizational level reporting of barriers along with recommended remediation approaches. Targeted course creation training is included to provide a barrier-free eLearning experience for employees with disabilities.

Audit of eLearning courses	Analysis and reports on barriers in courses	Training on inclusive course creation

These findings and recommendations are not a substitute for legal counsel.