

Accessibility Services for Small to Medium-Sized Businesses - Event Transcript

Opening

Lori Litz

Hi everyone. Thank you for being here today for Accessibility.com's Accessibility Services for Small to Medium-Sized Businesses. If we haven't met before. My name is Lori. I am the Director of Conferences here at Accessibility.com, and we are so excited to have you back here again today. Today's event features a discussion between our President, Mark Shapiro, and Reeve Segal, who you, might have met before during our Trends in Digital Accessibility Lawsuits that we host every January. So Reeves here to tell us a little bit about the laws and how it affects small to medium-sized businesses when it comes to digital accessibility. Then we're going to take a deep dive into a couple of companies. We have Accessible Web and Monsido powered by Acquia here today.

After today's first session discussion, we will have a presentation and a breakout session from Accessible Web and then a breakout session from Monsido powered by Acquia. Any questions you have today during the discussion, go ahead and type those in the Q&A. And let's leave the chat for discussion amongst yourselves, asking one another questions, and so on.

Today's event is recorded and will be available for viewing on demand later this evening. You'll receive an email from me tonight with instructions at how to access that. If you have any questions, you can always email me at Lori L-O-R-I @accessibility.com. And off we go. Off to Mark and Reeve.

Mark Shapiro

We're here with Reeve Segal. Reeve's been an attorney for 17 years and is the presenting expert on website accessibility lawsuit trends. Reeve, thank you for joining us today.

Reeve Segal

Of course, of course.

Mark Shapiro

First off, why do websites need to be accessible?

Reeve Segal

Well, broadly speaking, you know, when creating content for the web, it's, very important to be inclusive so that everyone has an opportunity to access and enjoy the content. And specifically with websites, you have to ensure that public sites are accessible for all four types of disabilities. You've got visual, hearing, motor, and cognitive.

So just from a sort of moral and general perspective, it's it's a very good idea to make sure that your public sites are accessible for all types of people.

Mark Shapiro

And are there specific laws that require websites to be accessible?

Reeve Segal

Yeah. From a legal perspective, you've got, the Americans with Disabilities Act, which applies to both state and local governments for Title II. And then businesses that are open to the public for Title III.

And Title II has actually just recently, updated, I think it was last week, to specifically include websites. And when you talk about ADA Title III, it actually requires that all places of public accommodations... So that's retailers, restaurants, hotels, etc. They have to provide effective communication and full and equal enjoyment of these places. So usually what happens is via a demand letter or litigation, the proponents, who are trying to get at equal access for their clients, have tried to extend this definition now to digital spaces.

So when we talk about public accommodations in terms of Title III, it now includes the digital spaces like websites, web apps, mobile apps and their content.

Mark Shapiro

What types of penalties have you seen imposed on these companies?

Reeve Segal

Well, from a federal level, plaintiffs can't actually collect direct damages per se, but they do have an opportunity to obtain what's known as prevailing party legal fees.

So if they were to win the case, they can get the attorneys fees, which, in essence, might as well be direct damages. But most of the time, you know, these letters are... I'm sorry. These cases are settled by a pre suit demand letters. So, when that happens, the companies are sort of free to settle for as much as they think is fair.

But typically, these settlements can range anywhere from five grand to 50 grand and up. A lot of companies are shifting from the federal courts to state courts, which, like California, which is very plaintiff friendly and allows you under California's, Unruh Act, you can get three times your total damages for a minimum of \$4,000. So if you do, that per incident, it can get quite costly.

That's why we're seeing a lot of lawsuits in California. And then in New York, there's plaintiff friendly laws like the New York State Human Rights Law, the New York State Civil Rights Law, and the New York City Human Rights Law. And these have a broader definition of disability in public accommodation than the ADA. And it also allows plaintiffs to seek monetary damages, which aren't available under Title III.

So that's why we're seeing a real big shift from plaintiffs, filing suit in federal court to now, the New York and California state courts.

Mark Shapiro

Okay. Well, if a company does settle a lawsuit, are they done?

Reeve Segal

Well, they're done with that specific plaintiff. The problem is, you know, when you have a settlement, it's between the defendant's website and that specific plaintiff.

So even if you go and fix your site, another plaintiff can come along, if there's still an issue, and say, hey, this hasn't been fixed and you don't have a settlement with my specific plaintiff, so it can continue.

Mark Shapiro

Okay. Reeve, you've been following these trends in website accessibility lawsuits for years, and one of the things that that I hear quite a bit is, from small businesses, is, hey, we're a small business.

We're only doing a couple hundred grand a year... through our website. You know, do they just go after the big firms or will they really go after us? So what have you seen in terms of the trends? Do they actually go after the small businesses?

Reeve Segal

Yeah, we've seen everything. I mean, they will hit the larger businesses first and because they're sort of the bigger pockets.

But we've seen all types of companies - small, large... Everyone gets hit because at the end of the day, they're all going to be getting those attorneys fees if they win. And it's really sort of a bit of a numbers game for them, just digging in as far as they can. And in terms of reach and, and who they can go after.

So just because you're a small sort of mom and pop type website that only does small, you know, amounts of sales yearly, you still are a target and can be open to these lawsuits.

Mark Shapiro

Reeve, thank you very much. That was a great explanation.

Reeve Segal

Of course. Of course. Appreciate it.

Mark Shapiro

We're pleased to have with us Peter Jewett, the Founder and CEO of Accessible Web, who is going to allow us to do a bit of a deep dive into his web accessibility company. Peter, thanks for joining us.

Peter Jewett

Thanks for having me.

Mark Shapiro

Could you tell us a little bit about your company and the accessibility services you offer?

Peter Jewett

Yeah. So Accessible Web. We founded it in 2016, out of a web design agency that we also run here in Burlington, Vermont. So... discovered web accessibility may be a little embarrassingly late in my, web design development career, but as soon as we learned about it, you know, once I was past the point of being embarrassed about not having really thought about it too much in the past, I was immediately enamored.

And, you know, as we were learning how to do it and, you know, trying to figure out how do we build websites, how do we maintain or improve all these websites that we have out there? We immediately saw that there was a pretty big gap in the market. and so bought the domain accessibleweb.com. And where we're at currently is we're a software services and education company.

Yeah. So we offer a mix of services that are ongoing and also one time, more tactical project services. So for ongoing we have our partner program. And with the partner program, we work with companies or agencies as kind of a monthly support model where we can help support with demand letters, we can help work through remediation work, we can help do design level audits and, you know, WCAG audits. So really working side by side with our customers as they're figuring out how to get their feet underneath them and then moving through the first initiatives they might have. So that's something we offer on an ongoing basis. And it's been it's been super sticky for our clients because it's just helpful having someone to turn to.

And if they're on Slack, we'll give them access to Slack channels and we'll assign the accessibility specialists. So there's always someone there they can talk to. And then in terms of one-time projects, what we typically do is we do WCAG audits, first, is what we normally recommend. And with our audits we have a process where we run through a sampling of your web pages or unique screens and an application. We check for every single WCAG success criteria.

We have a lighter version for folks that are just getting started, but normally we'd recommend a full 2.1 or 2.2 AA audit. We'll go through a check for every success criteria. For every failure, we'll deliver a remediation task. We can also provide VPATs as part of that manual audit process. And then again with the Ally Partner program, we'll work with our clients through remediating.

And then once we've... they've worked through most of the remediation, all the remediation tasks that we've identified, typically then is when we'll recommend doing accessibility testing. So we have a team of users that have various disabilities and use assistive technologies in their day to day life. And what we'll do is run them through scenarios that we've come up with with the client.

So different user flows on the website or application and verify that they're having a great experience. And we typically recommend doing it in the order of audit and then assistive technology testing. When we've done assistive technology testing too early, the result is often times that it's just a really barrier-riddled experience, and we're not getting a ton of value out of it.

Or that we identify issues with specific assistive technologies, and we tend, that tends to result in treating the symptoms instead of the illness. So if you fix the WCAG failures first and do a manual audit, cover those success criteria, there's a reason the W3C put together all these success criteria for a reason. So if we can address those across all the screens, then the assistive technology testing is super useful because we're now polishing up an accessible experience and really making it work great for those testers and hence your customers.

But yeah, typically we're we're always trying to focus on getting our customers to shift left. And, you know, everything we do is kind of trying to teach them how to learn, you know, trying to teach them to fish. So that our belief is that there's so much web accessibility work to be done across the web that it's not efficient for us to be purely a service company.

We can start with services, but we want to teach them how to do web accessibility because this is something that every organization, every web team, should be comfortable doing in-house.

Mark Shapiro

When companies start thinking about budgeting money and time, what should they be thinking in terms of a ballpark?

Peter Jewett

Yeah, I would think...It's a hard question to ballpark. But it's always less expensive and more efficient, and you end up with a better final product, if you're thinking about it early. So don't build your website and think that accessibility is going to be a QA step. Don't let your agency build your website and say we'll deal with the accessibility later.

And so, you know, there's there's kind of three main cost buckets that are pure expense. And this exists aside from the opportunity, you know, kind of the places to drive revenue by being accessible. But you have accessibility services you have to budget for. You have engineering. And that can be proactive or rework, you know, design and engineering.

So product or your web team, that's where you want to be thinking about it early so you're not having to undo something you just built and build it differently. And then, you know, in the worst case scenarios, you also have all the legal fees that go on to it. So I would say if you can think about it early, it might be the same amount of, you know, service expenses with an accessibility company to get up and running, but it's going to be much less engineering, design, you know, expenses in terms of your payroll, of your agency doing work.

And then hopefully if you do it right, you can avoid lawsuits altogether. And then, you know, we always try to spin this positively. So there's also just the, you know, the opportunity to make really great experiences which drive customer loyalty. And one of my favorite things with this business is just as we build products that are accessible, websites that are accessible, we always try to make sure there's budget to get, a user that's using assistive technology and just how happy they are to see companies that care about this, how happy they are to have an experience they can use on a website or app.

It really is a great way to drive loyal customers. So, you know, it's not just about expenses, it's about doing it right and doing it right for the right reasons and having raving customers because of that.

Mark Shapiro

What what sets you apart from other website accessibility service providers?

Peter Jewett

Yeah, I think... Like I said, we're trying to be software first and we do the training and the services. and certainly we're here to discuss services today. But we really want to teach our customers to fish. We want to help drive accessibility knowledge into our customer's place of business. When you think about audits, for example, we are not just delivering you a spreadsheet of WCAG failures that you need to figure out how to address.

We deliver... we do thorough WCAG audits, and then we would create detailed remediation tasks for each one of the failures that we find. We deliver that in our platform RAMP. And we support our clients as they move through fixing those issues. And then a lot of the time we'll even verify the issues were fixed correctly. So we're really looking at this as you need to discover, you need to be able to find accessibility issues through automated tools, manual testing, assistive technology testing.

You need to understand why they're problems, and then you need to be able to fix them. So typically with the service side of it, we think of that as we're doing the discovering. We're putting the issues into context in our platform RAMP so that our clients understand why they matter,

why they're doing this work. They can keep things organized and understand who's doing what and what the task should be assigned to, who the tag should be assigned to, and then they can do the remediation.

And by doing that remediation work in context, the next engagement it makes it really easy for them to start thinking about how to do the audits and the, you know, assistive technology testing themselves.

Mark Shapiro

Okay, Peter, thank you very much. For for letting us get a deeper dive into your company. Appreciate that.

Peter Jewett

Yeah. Thanks.

Mark Shapiro

We're pleased to have with us Sterling Rose, who is the Sales Director at Acquia. Sterling, thanks for allowing us to do a bit of a deep dive into your web accessibility company.

Sterling Rose

Yeah. Thank you for having us. Pleasure to be here.

Mark Shapiro

Can you tell us about your company and the accessibility services that you offer to SMBs?

Sterling Rose

Yeah, absolutely. So, I work in and I'm the Director of Sales for the Monsido product underneath the Acquia kind of wide array of services. But the Monsido product is a SaaS based web application and known as a web governance tool. And really, what that is, is an automated scanner that can audit any number of websites. And one of our primary focuses is website accessibility all under WCAG.

And so our primary service audits websites for all levels of WCAG performance spanning from 2.0, 2.1, 2.2, single, double and triple A. The main goal of the service is to enable end users to find and fix accessibility issues on their own.

Mark Shapiro

What do you see as sort of the typical use case for your customers?

Sterling Rose

Yeah, a typical use case. So one, you know, anybody with the website can leverage the Monsido tool. Accessibility is our bread and butter, but it also covers a number of other things like broken links, misspellings, and SEO. But from a use case perspective, it's usually the content contributors or web designers that are producing and updating content on a website.

That's our primary use case. A great secondary use case are web design agencies or web design firms that are building and launching websites on behalf of their clients. So really, you know, there's two routes, you know, to accessibility. You can do it in-house or you can outsource it. And any of those use cases can utilize Monsido pretty equally.

Mark Shapiro

How should a company budget for your services

Sterling Rose

Budgeting.

So that's always a great question. Budget is pretty much, you know, our pricing is dependent on the volume of pages and PDFs that we're auditing. So the larger the website or the more volume of websites you add in is going to increase the cost. And we also have three different packages available. We have an entry level, medium, and then an enterprise level available that all covers different services and features and such.

Mark Shapiro

Where does the entry level start in terms of pricing?

Sterling Rose

Entry level pricing? You know, ASPs can start anywhere around like the \$10,000 mark. And then enterprise level can exceed, you know, six figures depending on the, the scope of work. So some of our smallest clients fall into that smaller bucket, and our largest clients will usually fall into that, that larger example.

Mark Shapiro

Once you onboard a customer, how do you typically support them?

Sterling Rose

Yeah. Great question. So the onboarding process is pretty seamless. You know, Monsido is an out of the box solution. There's no additional installation or integration required on your website as long as it's available via the internet. We can add your URL and the platform's ready to go. Onboarding usually consists of adding users, teaching you how to customize the scan settings.

You know what levels of compliance do you want to audit for? How do you want to assign your users, you know, different sections of the website, or just different modules? And then we also offer, beyond the initial onboarding, unlimited training and support. We really want to be there for our clients. And so we have a couple different avenues. In-app chat, phone, email, knowledge base and webinars, always available. But it's unlimited for an unlimited number of users.

Mark Shapiro

All right. What what do you see that really sets you apart from everybody else in the space?

Sterling Rose

Yeah. So according to G2, definitely checks out on G2. We have all of our latest 2024 updates. The most common one we've received over the years is, you know, quickest implementation, which is kind of a question you just asked. And, best user adoption amongst teams. We've had other over 800 of our customers switch from our competitors.

And those two seem to be a very reoccurring reason why people make a switch.

Mark Shapiro

Okay. Sterling. Thank you. This has been extremely helpful.

Sterling Rose

Thank you. Appreciate it.

Mark Shapiro

Now we're going to go on to the Q&A section. So I'm just going to pull up some of the questions that we have coming through.

All right. First question.

Can we use the company that manages our website to conduct an audit on our website? Reeve, why don't you take this one?

Reeve Segal

Yeah. You know, generally it's it's not a good idea to use the website that's running your site to do the audit. It's sort of, there could be a bit of a conflict of interest, and it's always good to have a third party going through it and analyzing just to double check to make sure that everything's clear. Because you don't know the kind of different depths and levels that they'll be utilizing when it's your own company that's, that's doing the audit essentially.

Mark Shapiro

Peter?

Peter Jewett

Yeah. What I would recommend here is, you know, if it's a company that manages your website, make sure they have accessibility experience. So, you just want to make sure the work is being done thoroughly. We see a lot of situations where there's, you know. Yep. We got the accessibility and it hasn't really been done correctly. So, make sure they have experience doing this.

Ask for references or websites examples they can point to that they've worked on previously. Maybe they've even experienced, partnered up with accessibility company. So we have a variety of agency partners at Accessible Web. And some of them do do excellent, excellent

work. And then I think the other thing is make sure they're starting with some sort of commonly accepted methodologies or tools.

So, you know, you just don't want someone to be... You want them to be thorough. You want them to be working alongside a set of tools, set of practices, that are well established. And, another thing to ask potentially, is if they have any credentials from the IAAP. That's always something we're, we're checking into. So the International Association of Accessibility Professionals as a Certified Professional Accessibility Core Competency credential and a Web Accessibility Specialist credential.

So if you can find folks with those credentials, you can be pretty confident they're going to do excellent work.

Mark Shapiro

What is considered the most important accessibility service a company should offer? Sterling, why don't you take this one?

Sterling Rose

Yeah, thanks. Happy to take it. So in my opinion, the most important accessibility service is a service that's going to enable your team to produce accessible content tomorrow. You know, you can always outsource accessibility to third party vendors to do remediation and manual audits, which is a great resource to use. And at times, sometimes needed. But for a scalability in a long term approach, you're going to want to procure something that's going to allow your team updating the website to update it accessibly, rather than solely relying on third parties 24-7.

So in my opinion, it would be something to do in-house.

Mark Shapiro

We don't have a large budget for accessibility services, and we can only afford to do one step at a time. Which service should we start with

Peter Jewett

Again, I would say probably setting up some training and ongoing support. Yeah. We have a variety of price points that, you know, our most common one's like \$800 a month. But we have some lower packages below that, just in terms of services. The thing we normally work with companies, especially websites on is number one, develop a plan and an accessibility policy.

So you should have an accessibility page on your website, and you should be able to say, here is the next year or two's plan in working towards upgrading our website. So again, progress over perfection, showing that you're doing the work, that you are open to feedback from users with disabilities and responding to that. And then once you have that policy page in place, and a plan, the next thing we typically recommend is using a tool like Accessible Web RAMP or a variety...

You know, there's a variety of automated scanners out there. A lot of them use Axe-core as the underlying ruleset. And try to get upgraded to 100 of 100 automated score. And then try to maintain that. So that's a kind of, you know, cost effective way to do it, because you're using computers to identify the issues. 100 of 100 automated score is not full WCAG conformance or, you know, ADA compliance.

But it's a great step. And then once you're in a spot where you are set up and maintaining that automated score, then you can start chipping away at manually auditing assistive user... assistive technology testing, and kind of making those next steps to really having a well-rounded accessibility program.

Mark Shapiro

Are VPATs necessary in our RFP process for accessibility service companies? Sterling, you want to take this one?

Sterling Rose

Yeah, absolutely. It's it's a great question. So, depending on the organization, it may be a requirement or not. When we respond to RFPs, it's about a 50/50. Either they require the VPAT or not. Seven years ago when we started doing this, almost nobody asked for VPATs. They are without a doubt becoming much more common and it is absolutely best practice to receive a VPAT if you have a web application and have it audited to a 2.5 level of conformance for more of an industry standard.

Mark Shapiro

If we outsource our job board to a third party and they are not accessible. Are we responsible or is the outsource company? Peter, why don't you take this one?

Peter Jewett

Yeah, this is a great question. And this this applies to third party code in general. What you want to do is, is normally is customers get started with this. Organizations get started with this. You should do an inventory. And again, this is where with a program like our Ally partner program, we can help you take that inventory.

We can help you reach out to those third parties. And, what you should do is ask how accessible they are. Ask if they have a VPAT or an accessibility conformance report. If they don't, ask them what their plan is. And, and let them know you're thinking about this. Ideally, try to get a timeline on when they will be accessible,

if they're not accessible. And make sure that you are making updates on their platform that are being done in an accessible manner. So this is a lot of how the web is, is constantly improving in accessibility is we're all holding each other accountable. And that stands true for B2B the same way it does for B2C. So stuff like job boards, stuff like a review widget on an e-commerce site, stuff like a, a form library, or maybe a graphing charting library...

Always be thoughtful about the third party code, because to answer the question directly, yes, you are responsible for procuring accessible software, for having a website that's accessible, and that applies to the different partners that you choose to put on your website.

Mark Shapiro
Sterling?

Sterling Rose

That is a great question. And we get questions like this all the time, right? I have a third party plug in on my website. I have a third party's PDF on my website. Am I responsible for their, you know, gaps in accessibility? And I always like to respond first and foremost, I'm not a legal advisor, so I don't want anything to be taken, as you know, legal advice.

But, at the end of the day, if you are the web host and owner and you are hosting that piece of... that asset or, piece of content on your website, generally the web host is responsible. I don't know, you know, if people can win or lose that when fighting it in court, depending on the different scenarios. But typically, if it's on your website, you would, you know, find responsibility for that.

Mark Shapiro
That's great.

That's all the time we have for questions. I'd like to thank Sterling, Peter, and Reeve for sharing their expertise, experience, and insights with us today on accessibility services for small to mid-sized businesses.

Closing

Lori Litz

Thank you to everyone that participated today. Mark, Reeve, Peter, and Sterling - we were very excited to have you here today. And, I think you really got the message across that, of course, digital accessibility is important for small to medium businesses, and that, they should be looking into accessibility services for their companies to keep them compliant and inclusive.

Our next event is Accessibility Services for Enterprises. That's going to be on May 14th. Same time, 1 p.m. Eastern. We hope to see you back here then. Again, today's event was recorded and will be available later this evening. You'll receive an email from me with instructions on how to access that this evening. I hope you enjoy the next couple of sessions.

First up is Accessible Web, then Monsido powered by Acquia. So head on out to the lobby and join those sessions as they come on. Don't forget to also step out to the Expo Hall and visit with Accessible Web and Monsido powered by Acquia. Take a time to get to know them a little bit better.

See what services they offer. Here you can kind of do all of your research in one spot, and that's what we're hoping to offer you all, as you travel along your accessible journey. See you next time on May 14th for Accessible Services for Enterprises. Have a great rest of your day.