
What fintech can — and can't — do for credit unions' ADA compliance woes

By Melissa Angell

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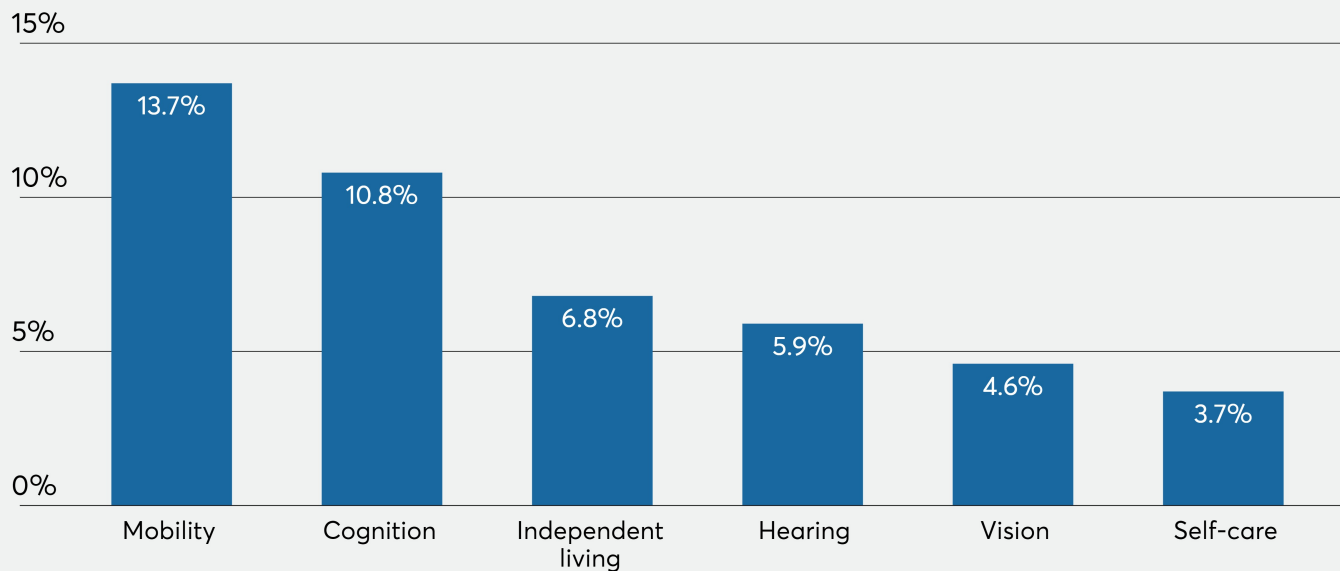


More credit unions are eager to improve the accessibility of their websites for those with disabilities but these upgrades aren't always easy to accomplish.

Over the last few years, a number of credit unions have faced lawsuits claiming that their websites don't meet the standards set out in the Americans with Disabilities Act and aren't accessible for those who are blind, deaf or have another disability. This has forced the industry to rethink their digital offerings and whether they are easy to use for those with a disability.

But there are many factors to consider, such as finding the right fintech partner, when making these upgrades.

Functional disability types among U.S. adults



Source: Centers for Disease Control and Prevention

"I think the [credit union] industry thinks about [accessibility], I think it talks about it, but I'm not sure it knows what to do about it or how to use its collective purchasing power to make accessibility a priority," said Mark Riccobono, president of the National Federation of the Blind.

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Sixty-one million U.S. adults live with a disability, according to the Centers for Disease Control and Prevention. And a significant number of those with disabilities are underserved by financial institutions. Roughly 18% of those with a disability were unbanked in 2017, compared with less than 6% of individuals without a disability, according to a report from the National Disability Institute.

Those who are disabled and unbanked may lack access to the technology that would facilitate a banking relationship. Only 56% of households with a disability have access to the internet compared with 79% for nondisabled households, according to the report. Those with a disability were also more likely to use a teller and

The accessibility of a financial institution's digital offerings could be a factor. Many credit unions have been hit with litigation that alleges their websites do not comply with the ADA. The lawsuits are derived from title three of the ADA, which prohibits discrimination for people with disabilities in places of accommodation.

A point of contention has been whether a financial institution's website counts as a place of public accommodation. Credit unions and other businesses [have argued that the ADA doesn't apply to websites but other experts disagree.](#)

"There is nothing by amendment or language in the Americans with Disabilities Act that specifically calls out websites or mobile apps or online banking or anything like that," said Michele Landis, co-founder and chief revenue officer of Accessible360, a company that helps clients remediate their websites to improve accessibility. "But what we have is years upon years of case law. And that is why credit unions are paying attention to this."

Some of these lawsuits have been dismissed for various reasons, such as the court finding that the [plaintiff lacked standing to sue](#). But the litigation still raises important questions about whether credit unions are following the law and are being inclusive to all members.

As a result, many credit unions have turned to fintech companies and other partners to make their sites more accessible. But it's a complicated process since CUs must consider a myriad of items when making their websites more inclusive.

Site presentation is a common place to start. Many institutions incorporate screen readers, adjustable font size and color layout for those with vision impairments. Mobile assistive technology, such as text-to-talk, assistive touch, voice control and screen magnification, are other standards that CUs should look to use.

In early 2018, Veridian Credit Union in Waterloo, Iowa, partnered with Siteimprove for a system that automatically scans its website each week for potential issues for screen readers. Siteimprove, which creates cloud-based products for websites, then sends the institution a report.

Prior to 2018, the \$4.3 billion-asset credit union was conducting these scans manually.

"It was inefficient, and I don't think we were catching as much as we should," said Kristin Clark, Veridian's manager of web development.

Meeting that level "allows the credit union to offer a consistent experience whether a user or visitor is using assisted technology and those who aren't," Clark said. The institution found that 15% of respondents to a quarterly member survey in 2019 identified as a person with a disability.

Once Veridian fixes an issue on a specific page, the CU re-runs the scan on the same page to confirm it has been addressed. The credit union also takes advantage of free plugins from Google Chrome to double check Siteimprove's reports.

But using a scanning tool alone will leave a credit union vulnerable since it can only check about a quarter of the Web Accessibility Initiative's accessibility criteria, according to Accessible360's Landis.

"Relying on software to scan a website is just asking for trouble," said Eric Isham, founder and CEO of Omnicommander, a website designer that works with credit unions to improve accessibility. "Within the accessibility community, it is universally accepted that manual scans are the only way to ensure compliance. We utilize blind staff that use screen reader technology to be certain that the website is accessible."

Reports can return false positives and free tools used to crosscheck often return similar scores. In order for a credit union to fully cover its bases, Landis said that live-user audits, where a person or a team manually goes through a website, are a must.

"It's the cost of doing business if you're operating a credit union," Landis said. "It's well understood that digital accessibility is something that you need to pay attention to."

Some CUs have a separate IT vendor that completes audits to make sure that all requirements from WCAG are incorporated since these guidelines are very specific, said Nicholas Santucci, an associate at Brownstein Hyatt Farber Schreck.

"The best practice is to have a manual element because if it's not fully compliant with WCAG guidelines, the credit union is the one that is liable, not the software company," Santucci added.

For credit unions looking to deploy new technology, Riccobono advises that they consider accessibility from the beginning.

"The reason that a lot of financial institutions have trouble keeping up with accessibility is because while they're

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