

1/24/2020

To: Washington State Student Services Commission

Cc: Dr. Deb Casey, Vice President, Green River Community College, DSSC Liaison to WSSSC

Dr. Joe Holliday, Director of Student Services, SBCTC

Dr. Carli Schiffner, Deputy Executive Director of Education, SBCTC

Mark Jenkins, Director of Educational Technology & Open Education, SBCTC

From: Disability Support Services Council

**RE: ctcLink accessibility and confidentiality violations**

Dear Jessica Gilmore-English, President of Washington State Student Services Commission:

## Introduction

The intent of this letter from Disability Support Services Council (DSSC) is to summarize the concerns regarding accessibility and privacy issues of ctcLink/PeopleSoft. This Letter of Concern strongly urges the SBCTC to plan, communicate, and act on accessibility and privacy violations, to be in compliance with federal and state law.

## Status of Accessibility Testing

DSSC acknowledges that the SBCTC released a Request for Proposals (RFP) for accessibility testing vendors on May 10<sup>th</sup>, 2019, primarily to generate a gap analysis so the SBCTC can document the accessibility issues and build a roadmap. Level Access was contracted for "Phase 1" accessibility testing and they gave a report back in September 2019. The SBCTC has not produced a tangible plan for how they will remedy the issues to bring the system to full compliance. DSSC is unsure of what progress is occurring with those Level Access findings. Different DSSC members have heard different information from their colleges. Neither updates nor a "work plan" have been shared in writing with DSSC.

## Previous Letter of Concern

You may recall that DSSC raised concerns previously via a letter to WSSSC in February 2017. The letter is the first attachment here (**Attachment 1**). In that letter DSSC requested activation of the enable screen reader mode, and also shared confidentiality concerns.

## Equity Concerns and Legal Risk

The inaccessibility and privacy violations of PeopleSoft and the ctcLink project discriminates against current and prospective employees and students within the Washington Community College system. DSSC is concerned that the SBCTC is deploying additional colleges without remediating accessibility and privacy violations. There is a clear compliance risk for the colleges

and the system. Not addressing this issue immediately leaves SBCTC and ctcLink live colleges exposed to legal liabilities. Lack of accessibility prevents potential students from applying; this directly affects enrollment/FTEs during a time where our system is already struggling with enrollments. Our Community and Technical College system must be inclusive to people with disabilities. Our system has adopted Social Equity as a value. Not addressing accessibility violations discriminates against people with disabilities.

## Example from Clark College

Clark College went live Fall 2019 and has been leading some of this discovery of accessibility violations. Attached with this letter is a list of open accessibility tickets from Clark (**Attachment 2**) and a report from Clark's Policy 188 Accessibility Coordinator (**Attachment 3**). Spokane and Tacoma Community Colleges also have open accessibility tickets. Also attached is the Level Access report to the SBCTC ctcLink Project Team from September 2019 (**Attachment 4**). One example of impact is the First Time User experience that all applicants need to do initially for account activation. One of the issues on this page is textboxes are not set up accessibly and screen reader users will only hear the first of the four textboxes of "First name", and miss "Last Name", "DOB", and "ctcLink ID". There are multiple areas where PeopleSoft fails to meet the legally required standards of WCAG which are federal mandates, per Section 508 law. Additionally, ctcLink does not meet WA State's own accessibility Policy 188. To underscore our concerns, DSSC would also like to bring to your attention a recent lawsuit against the LA Community Colleges in August 2019; this directly relates to our concerns.

## Confidentiality and Privacy

DSSC's second item of concern is regarding privacy rights and confidentiality. In the Accommodation Data area of PeopleSoft, information regarding employees and students are co-mingled throughout the SBCTC system. This means HR staff can read student disability information and student disability services staff can read employee disability information. DSSC also believe an HR employee or DSS employee at one college can see disability information for a student at another college. This is a violation of FERPA for students with disabilities and breach of confidentiality under the ADA for employees with accommodations.

## Requests

High Prioritization of Accessibility:

- WSSSC leadership forward these urgent concerns to WACTC for their next monthly meeting for direction to the appropriate entities at SBCTC.
- SBCTC provide an accessibility plan with timelines that reflect the urgency of our legal risk. This should be accompanied by accessibility updates every 3 to 6 months.
- Frequent communications from the SBCTC project leadership on accessibility plans.
- The Strategic Technology Task Force prioritize addressing these and future accessibility and confidentiality risks.

- Delay deployment of future colleges until accessibility of ctcLink is federally compliant.
- SBCTC maintain hosting an accessible mobile app, such as Highpoint. Highpoint provides only some self service functions of campus solutions to students. This mobile interface should meet WCAG 2.1 guidelines to align with the new state Policy 188 requirements.
- The Moran Report be updated with actual accessibility plans/updates.

Addressing Confidentiality:

- Timeline on addressing the confidentiality violations be established and shared.
- Separate employee and student accommodation data within ctcLink

## Questions

- What is the plan and timeline for resolving the accessibility violations from the Level Access Report?
- Will Level Access be doing the remediation work?
- When will Phase 2 testing begin?
- What is the timeline on closing accessibility tickets opened by colleges?
- What is the plan and timeline for updating PeopleTools?
- What testing methods are the state using and who is doing the testing? (WCAG 2.1 is now very specific about formatting and sharing of testing results)

Our colleges have a value centered in Social Equity, yet our system is having us adopt a new technology system that excludes people with disabilities.

DSSC would ask these concerns be answered in a letter to DSSC by February 28, 2020. This letter was crafted by DSSC members and voted on by DSSC on January 24, 2020.

Sincerely,

Marisa Hackett, President: Disability Support Services Council on Behalf of the membership of DSSC