

**ACADEMIC AFFAIRS COUNCIL**

**AGENDA ITEM: 5.B**

**DATE: June 19, 2013**

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**SUBJECT: Settlement between the University of California – Berkeley and Disability Rights Advocates**

Last month, many news outlets reported on the settlement reached between the University of California at Berkeley and Disability Rights Advocates on behalf of students with visual impairments (Attachment I). Disability Rights Advocates represented three Berkeley students who said they had difficulty getting access to the materials they needed for class. The group, a nonprofit disability-rights legal center, approached the university last year on behalf of the students, proposing settlement negotiations that could resolve the issues and avoid a lawsuit. The negotiations, which took more than a year, led to several new accommodations. This is being referred to as a “landmark agreement” to improve access to textbooks, course readers, and library materials for students with print-related disabilities.

Text from the Chronicle of Higher Education report is included on the following pages (<http://chronicle.com/blogs/wiredcampus/in-settlement-with-disabilities-group-berkeley-will-improve-access-to-course-materials/43727>). The text of the settlement is also available as an attachment (Attachment II).

This settlement will have far reaching implications since expectations for service levels have been established.

Following some preliminary discussions at this meeting, this will be remanded to the campuses for review. Later this fall the Councils will take this up to discuss action plans.

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**RECOMMENDED ACTION**

Discussion.

## SETTLEMENT

This Settlement is made and entered into by and between the Regents of the University of California (“Regents”) on behalf of University of California, Berkeley campus (“the University”), and Disability Rights Advocates (DRA) and its three named clients David Jaulus, Brandon King, and Tabitha A. Mancini.

Acknowledging the critical importance of accessible instructional materials to the academic success of students with print disabilities, the Regents enter into this Settlement in good faith, with a commitment to allocate sufficient resources to meet the obligations and timelines set out in this Settlement. The obligations established under this Settlement Agreement apply exclusively to the University of California, Berkeley, and no obligations or precedent with respect to any other University of California campus is intended or implied.

For good and valued consideration, the sufficiency and receipt of all of which are acknowledged, the above-mentioned parties, intending to be legally bound, hereby agree as follows:

### **I. Timelines and Procedures for Submission of Accommodation Requests**

The webpage <http://dsp.berkeley.edu/timelines.html> of the University’s Disabled Students Program (“DSP”) will be amended to make clear that timeframes applicable to alternative media are governed by the *Alternative Media Guidelines*. These new guidelines, content set out in Appendix A to this Settlement, will be posted no later than July 8, 2013, in substitution for existing content at <http://dsp.berkeley.edu/alternativemedia.html> and thereafter updated as new procedures and technologies become available. The parties agree that if the University meets the timeframes set out in the Guidelines (as posted July 8, 2013) for at least 90% of the alt media requests received, it will be considered compliance with the Guidelines. For the period of time during which the University is being monitored, the University agrees to provide Disability Rights Advocates reasonable advance notice of any proposed substantive change to these guidelines. Any change to the following critical elements of the guidelines must be mutually agreed upon prior to being implemented: changes to a) any timeframe, b) reduction in alternative media resources, or c) additional prerequisites for requesting alternative media.

### **II. Provision of alternate media in a reasonable and equitable timeframe of those reading materials (either in the original/supplemented course syllabi/class reading lists, or otherwise distributed) which the student intends to read:**

#### **A. Disabled Students Program Alternative Media (“Alt Media”) General Policies/Procedures**

- 1) The University will adopt and implement the policies and procedures contained in the *Alternative Media Guidelines* attached to this Settlement as Appendix A, no later than July 8, 2013. These timeframes will be effective beginning in the Fall 2013 semester.
- 2) The University will regularly offer, at least once per semester, interested students with print disabilities opportunities to be instructed in alt media request procedures and timelines, in the use of alt media self-help options such as electronic book searches,

scanning equipment, online conversion tools, and other alt media policies and procedures addressed in this Settlement.

B. With respect to the University's alternative media policies and procedures, on an annual basis the University will appropriately educate staff and administrators including DSP Specialists, alt media staff, proctoring services staff, appropriate academic department staff, Letters & Science Student Advisers, and GSIs.

C. Submission of Alternative Media Requests/Materials

- 1) DSP will provide assistance to students who request help in filling out alternative media requests. DSP will modify the alternative media request form to include a note that such assistance is available. DSP will offer a process for students to submit an Alt Media Notice if they are enrolled in a course, but prior to the start of classes, the reading assignments have not yet been designated or made available.
- 2) To encourage students to turn in alt media requests as early as possible, DSP sends emails titled "Alt Media Reminder" to all students approved by DSP for alt media services. These reminders will be emailed six weeks, five weeks, and four weeks in advance of the start of classes. The following two provisions are applicable only to courses for which the student is registered, but has not yet submitted an alt media request. For such courses:
  - a) Each Alt Media Reminder will offer students a convenient reply format for generating an email entitled Alt Media Notice providing:
    - i. a list of courses for which the student is currently registered but has not yet submitted an alt media request (this does not include courses in which the student is wait-listed or otherwise adds later after responding),
    - ii. for each course listed, identification of any textbook(s) and/or course reader(s) assigned. If no textbook/reader has yet been assigned, or the assigned material is not yet available, students will be asked to note this.
  - b) Each Alt Media Reminder will inform the student that:
    - i. emailing DSP an Alt Media Notice is necessary to enable DSP to meet the Standard Production Timeframes set out in the Alt Media Guidelines.
    - ii. failure to email DSP an Alt Media Notice at least three weeks prior to the start of class may mean that DSP is unable to provide the course textbook/reader within the Standard Production Timeframes, but will not
      - A. preclude the student from requesting alt media be provided on a rolling basis
      - B. prevent DSP making its best effort to provide the alt media within the Standard Production Timeframes.
- 3) To identify required and recommended<sup>1</sup> readings, the University may ask the student to verify that the requested material was assigned or recommended by the instructor for a

<sup>1</sup> The term "recommended" in this settlement means the instructor recommended the reading to the whole class.

course by providing a course syllabus, or written notice or confirmation from the course instructor.

- 4) Verification of Purchase: The Disabled Students Program will require verification of purchase only for instructional materials which nondisabled students are routinely expected to purchase when enrolled in the academic course (as opposed to materials the course instructor disseminates). At the time of submitting an alt media request, student verification of purchase can be met by the student providing a copy/scanned receipt of purchase, or in lieu of a receipt of purchase, a statement signed by the student, certifying "I am requesting an alternate format of a textbook that I own or that has been purchased on my behalf."<sup>2</sup> In the event the Disabled Students Program opts to obtain an electronic copy of a book from the publisher or e-book repository that requires a showing of receipt of purchase, DSP reserves the right to require the student to provide a receipt of purchase to the extent required by the publisher or repository. The time between DSP request to the student to provide a receipt of purchase to meet publisher or repository requirements, and when the student provides such receipt of purchase to DSP, shall be added to the period of time in which DSP would otherwise be expected to meet the General Timeframes for Obtaining Accessible Alt Media.
- 5) This settlement does not address the University's obligation, if any, to provide students with access to written materials not covered by this Agreement, such as materials distributed by the Student Learning Center.

#### D. Interim Accommodations

- 1) Within three business days of the student's submission of a completed Alt Media Request, the University will return hard copy printed book/materials to the student.
- 2) In the event self-help options are not sufficient while the student is waiting for requested alt media, a student may request, and if appropriate and reasonable, obtain through the DSP Specialist interim support, such as arranging for a reasonable extension of a course deadline for an assigned reading, personal reader, a copy of an unedited version of the student's alternative media, or other appropriate interim accommodation.

#### E. Personal Readers as Alternative Media Solution

If requested by the student, personal readers may be an appropriate method for providing access to print. Personal readers from DSP may be appropriate when required or recommended materials are not available when needed in the DSP-approved alternative media for the student, or the nature of the materials precludes conversion to alternative media. When a personal reader is approved by the DSP Specialist as an academic accommodation, DSP has responsibility for promptly identifying and providing a qualified personal reader for an amount of time reasonably necessary to make such required or recommended materials accessible. In order to be able to

<sup>2</sup> California State University Academic Affairs 2004-25 (July 1, 2004) Center for Alternative Media Appendix IV Student Certification Sample Form <http://www.calstate.edu/AcadAff/codedmemos/AA-2004-25.pdf>

make such personal readers promptly available when needed, DSP will take such steps as necessary prior to receiving a specific student request for a personal reader.

#### F. Alternative Media Production Resources

- 1) The University will develop and utilize a system in which alt media staff identify relevant online databases of accessible electronic materials and implement a system by which these databases can be rapidly searched in order to determine if they contain texts needed by students. As new databases become available and are identified by alt media staff, they shall be added to the system and if possible made available to students to search directly. A list of the current databases being searched by the Alt Media Assistant will be included in the University's Annual Monitoring Report.
- 2) The University will maintain staffing at an adequate level to ensure students are able to access the appropriate alternative media for their needs on a timely basis.
- 3) Beginning in Fall 2013, the University will designate an Alt Media Assistant position whose primary role will be facilitating quick response and problem-solving with respect to students with print disabilities obtaining alternative media. The Alt Media Assistant will interface with students, instructors, and book publishers, as follows:
  - a) Coordinating the process of identifying reading assignments for courses in which students with print disabilities are enrolled. This responsibility includes offering to meet with the student before each academic term to discuss the courses the student intends to take, and appropriate follow up to Alt Media Notices in the event that prior to the first day of class, instructional materials for a course have not yet been identified/made available.
  - b) Assisting students upon request in filling out and submitting alt media requests
  - c) Seeking a "clean" copy of an assigned article/book from the Library and/or online, when the legibility of the original provided by the student or course instructor is poor, e.g., faded, marked up, etc.

#### G. Tracking

The University will maintain an online alternative media request/response tracking system about the status of alt media requests, indicating date of request receipt and scheduled standard production time due date for completion (based on the Alt Media Guidelines timeframes). The student will be sent an email acknowledging receipt of the alt media request and stating the scheduled completion date. If the original estimated date of completion must be adjusted, not only will the student's DSP bSpace reflect the revised estimated date of completion, but the student will be sent an email with the new estimated date of completion. This system will enable the University to maintain an ongoing record of University performance with respect to timeframes set out in this Settlement pertaining to alt media requests and campus response. This

record will be included in the University's Annual Monitoring Report, and for each type of original materials (textbook or course reader<sup>3</sup>) will include the type of material, date of request receipt, date of scheduled completion (per Guidelines timeframes), and actual date of completion (with notation on number of business days, if any, beyond scheduled date of completion). Information shall also be provided with respect to the length of time needed for conversion of alt media requests not subject to Standard Production Time (SPT) due to subject matter, poor quality original materials requiring extensive text input by keyboard, or complexity of alt media format, e.g., paper production of Braille or large print requiring re-formatting/re-pagination.

#### H. Self-Help Alternative Media Options

- 1) Before submitting an alt media request for a book, students are encouraged to check designated primary e-book databases for availability of an existing electronic copy. DSP will assist if the student needs help setting up an account with these e-book databases.
- 2) Students are not required to use self-help options. Using self-help options is not a basis for precluding a student with a print disability from continuing to obtain alt media from DSP.
- 3) The University will implement a free (to users) online electronic text conversion program (appropriate to the needs of post-secondary students) that allows students to upload electronic documents and have them converted into various types of accessible formats. This program will automatically produce electronic documents in a range of formats.

#### I. Information Channels

- 1) For students with print disabilities, the University will develop an online Print Access Guide (in searchable Word or PDF formats that can also be downloaded) which consolidates all of the processes and policies related to accessing alternative media at the University including but not limited to policies regarding:
  - a) *Alternative Media Guidelines* set out in Appendix A to this Settlement, and as appropriate, other alt media policies and procedures set forth in this Settlement
  - b) Resources available for students with print disabilities, including but not limited to resources available to access library materials, location of scanners around campus, and a webpage that facilitates students conducting their own online searches to find existing accessible electronic versions of books/articles

<sup>3</sup> Materials will be designated as textbook or course reader type format based on which type of material they contain. Clean well organized material that can be readily scanned and does not require extensive editing will be designated as textbook format; material that is poorly copied, not well organized and/or requires extensive editing will be designated as reader format

- 2) No later than July 8, 2013, the link to the Print Access Guide will be publicly posted online on webpages of the Disabled Students Program, the Library (including department libraries), and Disability Compliance. If any portion of the online Guide is not accessible to a particular student, upon the student's request the University will take steps necessary to make the Guide accessible to that student.
- 3) Information on how to access the Print Access Guide will be sent to all DSP students, and included in the new DSP student orientation.
- 4) As used here, the term "new students" means students new to the UC Berkeley campus, including incoming freshmen and transfer students. DSP resources for new students with disabilities will make clear the inclusiveness of the term "new students". The DSP webpage for New Students <http://dsp.berkeley.edu/requestservices.html> directs students to the DSP homepage <http://dsp.berkeley.edu/> where a link to the *Alternative Media Guidelines* is prominently displayed. The DSP homepage also includes a link to the New Student Handbook <http://dsp.berkeley.edu/docs/handbook.pdf> whose references to alt media services will be reviewed and amended to conform with the terms of this settlement, including adding a new section about Library services for students with disabilities. In addition, the Resource website <http://resource.berkeley.edu/> sent to all CalSO participants will include a webpage for Disabled Students [http://resource.berkeley.edu/r\\_html/601disabled.html](http://resource.berkeley.edu/r_html/601disabled.html) that will link to the resources helpful to students with print disabilities, including *Alternative Media Guidelines* and the Library website for students with disabilities, including print disabilities. During the CalSO program a verbal statement will be made to inform that Library and course materials may be converted into electronic digital format upon request from a person with a print disability, and that more information may be found in the Print Access Guide.
- 5) The general online information for New Students <http://www.berkeley.edu/students/#new> will provide a link to the Disabled Students Program.

#### J. Role of Course Instructors

- 1) The University will provide information about alternative media accommodations when notifying course instructors that there is a student with a print disability enrolled in the course they are teaching that semester. Upon express request from a student with a print disability, DSP will directly email the course instructor of an upcoming class in which the student has enrolled. The email shall inform the instructor that an unnamed student with a print disability has enrolled in the class, and (in accordance with the student's request to DSP) the email shall identify resources to support the instructor, whenever possible, in providing instructor-generated materials in a format most compatible to the student's print disability.
- 2) The University supports instructors in generating an electronic copy of their course reader using Library resources, see <http://www.lib.berkeley.edu/services/ereadings.html> The Disabled Students Program will continue to maintain a repository where electronic copies of course readers, once converted for alternative media purposes, can be stored

electronically in a digital format, thereby providing a resource in the event that the same course reader (or a portion thereof) is assigned in the future to other students with print disabilities.

- 3) Course instructors may be subject to referral to the Vice Provost for Faculty if they refuse to submit textbook adoptions at least seven weeks prior to the start of class. To be subject to referral, they must have been made aware of this responsibility and have knowingly refused to follow it without good cause, whether arbitrarily or not. The Vice Provost will consider whether misconduct occurred under Section II.A. of Faculty Code of Conduct [http://apo.chance.berkeley.edu/faculty\\_misconduct\\_015.pdf](http://apo.chance.berkeley.edu/faculty_misconduct_015.pdf) for (1) failure to meet the responsibilities of instruction due to “arbitrary denial of access to instruction”, (2) discrimination against a student for reasons of disability, or (3) violation of University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
- 4) The University will notify course instructors at least once a year of their obligation to timely submit textbook adoptions, and of the desirability throughout the semester (whenever possible) of a) providing clean clear reproductions of hard copy materials, electronic material in digital (rather than image-based) formats, and b) disseminating supplemental course materials as far in advance of the class reading due date as possible. In its notice to instructors, the University will explain the critical importance of instructors identifying/making available the course textbook and/or course reader far enough in advance of the semester (w/specific pertinent dates) that, assuming the student promptly submits an alt media request, the Disabled Students Program has adequate time to convert them into an accessible format before the start of classes. This notice will reference the Faculty Code of Conduct. The University will institute a system for providing a copy of this notice to course instructors who are hired close-in-time to the start of a new semester.
- 5) The University will annually review data regarding how far in advance of the semester instructors submit course book adoptions<sup>4</sup> to the bookstore. When possible, the University will also monitor the date when course readers are made available to students. All data collected will be included in the University’s Annual Monitoring Report.

**III. Reading materials posted by professors and other University staff to bSpace made accessible to students needing alternative accessible media in a reasonable and equitable time frame.**

- A. The University recognizes the urgency of converting supplementary materials into alt media format as quickly as possible when the time between distribution and the class reading assignment due date is short, so that a student with a print disability has as much time as possible to read the materials. Timeframes for the provision of materials posted to bSpace are covered in the *Alternative Media Guidelines*.

<sup>4</sup> The term “adoption” refers to an instructor selecting the instructional text for required study in a course.



- B. With respect to courses in which students with print disabilities are enrolled, the University will establish a method by which the Alt Media Assistant may, without obtaining individual instructor permission, directly access a student's course online course management software, e.g. bSpace (and any successor instructional accounts) so that upon receipt of a student's alt media request, the Alt Media Assistant can automatically access any electronic document posted by the course instructor for the purpose of converting it into accessible alternative media.

#### **IV. Availability of assistive technology to students in computer labs throughout campus**

- A. The University will affirmatively provide a range of adaptive technology throughout campus general computer labs sufficient to make these labs accessible to students with print disabilities. The University will install the following types of (or comparable) AT software on one or more workstations in each campus general computer lab, which currently are 211 Wheeler, basement of Moffitt Library, and 2180 Valley Life Sciences Building. This "basic AT package" will consist of NVDA (screen reader); Adobe professional (has PDF reader; allows hard copy enlargement); Natural Reader (free e-text reader); MathPlayer (free from Design Science, works with Internet Explorer to read Web pages coded with MathML); AMIS (free DAISY reader). Students may also download the "basic AT package" software themselves to install on a personal computer or flashdrive.
- B. The University will provide written instructions on how to use assistive technology (AT) installed in the general computer labs, and staff trained in the use of such AT software will be available to assist with software/equipment problems in the labs. Upon request instructions will be available in large print and Braille. Staff will not be expected to train students in the use of lab software. Unless prohibited by contract, any passwords required to specifically access assistive technology installed on campus computers will be prominently posted in all campus computer labs where that technology is installed. These passwords will be posted in large print and Braille.
- C. The University will maintain and regularly update an online list of assistive technology software programs/equipment available for student use at each general computer lab, at this webpage <http://dsp.berkeley.edu/ATlabs.html> or a comparable webpage.
- D. Beyond the "basic AT package" (described above), this settlement does not address the University's obligation, if any, to install upon request from a student with a disability specific assistive technology programs and/or specific assistive technology hardware.

#### **V. Campus process <http://dsp.berkeley.edu/grants.html> for reviewing proposed student assistive technology equipment purchases, grants, and installations for accessibility compliance**

- A. The University will inform each student about the Student Assistive Technology Grant program at the orientation for DSP students and on the DSP website.

- B. The student's DSP Specialist will assist, upon request, in the student's completion of the application for an Assistive Technology Grant.
- C. DSP will expand the types of Assistive Technology for which students may apply, to include software and/or hardware assistive technology, and grants for training on use of assistive technology.
- D. The University will allow students to submit Student Technology Grant applications as early as the first day of classes each semester.

## **VI. Library materials are provided in accessible alternative formats**

Students with a print disability that limits independent use of a campus library may check the list of *Library Contacts for Users with Disabilities* for someone to assist. If the library service desk is busy or the assistance needed will take some time, an appointment may be necessary. On its webpages and in the Print Access Guide, the Library will provide contact information to enable students to communicate with someone who is knowledgeable about the Library's accessible alternative format process, and who can respond to basic inquiries related to a particular alternative format that the Library has generated for a specific student with a print disability.

### A. Identifying Desired Materials

- 1) The Library offers online catalogs (Melvyl<sup>5</sup> and Oski-Cat<sup>6</sup>, plus others) to assist students in finding relevant materials, see <http://library.berkeley.edu/> (scroll to box at bottom of screen). The Library recently completed the task of adding ALT tags to buttons within campus control, as well as implementing the following more complicated ADA upgrades:
  - *Update web forms with descriptive labels and logical layout.* Add labels that describe text used in forms and labels that describe the content the user needs to enter into the form. These labels will make the form more understandable when read by a screen reader.
  - *Add logical structure to pages, using heading tags.* Add heading tags (H1, H2, H3, etc) to web pages so that a screen reader can summarize the contents of the page based on the content in the heading tags.
  - *Provide skip-navigation links.* Add skip-navigation links to web pages so screen readers can skip to main content of page without reading the list of navigation links.

<sup>5</sup> Melvyl is based on World Cat <http://www.worldcat.org/> which is managed by, and run on the servers of, Online Computer Library Center (OCLC). The Melvyl project is the responsibility of California Digital Library (CDL), who negotiates user interface changes with OCLC (user interface suggestions, enhancements, are managed by CDL). The Library is responsible for ensuring that Library records in OCLC are included in Melvyl.

<sup>6</sup> OskiCat is based on the Millennium system by Innovative Interfaces, Inc (III). This system runs on Library servers and the Library manages the application but is limited in what it can change as the University does not have access to all the code. With each new upgrade, III adds ADA enhancements which the Library then implements.

- 2) With respect to the Report completed August 31, 2012, by a mutually agreed upon web access expert (Jim Thatcher), to the extent the webpages of the Library's online catalogs OskiCat and Melvyl are within the control of the campus Library, the University will eliminate web access barriers identified by the Report. With respect to those webpages in the Library's OskiCat/Melvyl online catalogs that are not within the control of the campus Library, the Library will engage in reasonable best efforts to persuade outside third parties to implement the changes necessary to make accessible the OskiCat/Melvyl online catalogs. After the Library's upcoming website redesign, those online catalog webpages reviewed by the web access expert (Jim Thatcher) and modified during the website redesign will be reviewed for web accessibility by a mutually agreed upon qualified web access expert, and web access barriers will be eliminated if within the control of the campus Library.
- 3) For students whose print disability prevents use of an inaccessible feature of the Library's online database catalogues for identifying desired Library materials, upon request as appropriate and reasonable, the student may obtain Library assistance so as to make available the same printed information seen by those able to operate the Library's online database catalogues.

#### B. Obtaining Digital Copy of Library Materials

- 1) A webpage will enable students to initiate a self-search for an already existing electronic copy of the desired hard copy printed materials.
- 2) The University will provide students with print disabilities, registered at the Disabled Students Program as eligible for alternative media, a method by which they may obtain an OCR-scanned digital copy of hard copy printed materials and of image-based pdfs made available by the Library to non-disabled students. To support the conversion of inaccessible library materials, the Library will procure and maintain appropriate hardware and software needed to scan, convert and disseminate requested materials. The University will stay current with industry standards for scanning technology, so the Library's capacity to convert materials into digital text evolves in tandem with new developments, with a corresponding increase in the types of subject matter that a standard OCR-scan can convert via into meaningful digital text.
  - a) The student is responsible for obtaining the hard copy materials through the Library's check-out procedures, and delivering the materials to a designated campus location, i.e., Doe Library Circulation Desk.
  - b) A student may have up to three Library books submitted at a time for conversion from hard copy print to OCR-scanned digital format. Within an average of five business days of the student's drop-off, an OCR-scanned digital copy of the book/materials will be made available online for the student to download. At the end of each semester the Library will compile the turnaround times for all requested items and average them to ensure they are meeting the five business day average turnaround time requirement.
  - c) As part of the Library conversion process, the Library will review the first fifteen pages of the student's desired material/article and accordingly edit the digital copy for any

obvious errors. Upon request the Library will provide the OCR-scanned digital format in Word. Students are not authorized to retain the digital copy produced by the Library indefinitely, but only for the period of time such retention is authorized by the Library.

- d) By Fall 2013, the Library will implement a system whereby students are able to obtain journal articles upon request in a manner that is reasonably designed to meet the range of academic needs.
- 3) With respect to electronic material offered by the Library, for conversion into a preferred format the Library will direct students to an online electronic text conversion program that allows students to upload electronic documents and have them converted into various types of accessible formats. This program will automatically produce electronic documents in a range of formats.
- 4) Where Library materials are required or recommended reading for a course, students will be directed to use the Library process for converting text into an OCR-scanned digital format, so the materials can be scanned without damaging the binding. Assuming the Library was notified at the time of the student's original request that the materials are required or recommended for a course, upon notice of the availability of the Library's OCR-scanned digital format students will have three business days to request that DSP further edit the scanned digital format of Library materials. DSP timeframes for producing alt media (set out in the Alt Media Guidelines) start to run upon receipt of the Library's OCR-scanned digital format and (when needed) the original materials.
- 5) To the extent feasible and legally permitted, the Library will make digital copies of books scanned as part of its agreement with Google available at no charge to students with print disabilities who are registered to receive alternative media services through DSP.

### C. Special Library Materials

- 1) Rare Materials: A student with a print disability needing access, for required or recommended reading purposes, to information in rare materials and/or other materials that may be easily damaged or are otherwise not suitable for scanning, may arrange with his/her DSP Specialist for a personal reader, scribe, or other appropriate accommodation.
- 2) Reserve items: those with print disabilities are expected to self-scan as needed reserve books within the reserve time limits. Students whose disability necessitates access to a reserved item beyond the designated time limit may make a request to the library's disability access contact person, whose name may be found on the list of Library Contacts for Users with Disabilities. An accommodation request for keeping reserve items beyond the designated time period will be individually considered, taking into account the number of copies available and the anticipated need for use of the same materials by others.
- 3) Microform: At campus libraries with microform collections there is equipment to print a paper copy (which readers may self-scan into digital format). Machines at some libraries, including the Newspaper/Microforms Library, have software that allow people to save electronic files to a USB flash drive. At the Newspaper/Microforms Library, users can get

assistance all hours that the library is open. However, extensive assistance should be arranged in advance with the head of that library.

#### D. Library Dissemination of Print Accessibility Information

- 1) The Library has updated and will continue to update its webpages Library Resources for Persons with Disabilities [http://library.berkeley.edu/Help/with\\_disabilities.html](http://library.berkeley.edu/Help/with_disabilities.html) to reflect Library procedures, services, resources available to students with print disabilities. These webpages will explain the services available to students with print disabilities and provide contact information for students seeking assistance. A copy of the current webpages is attached to this Agreement as Appendix B. For the period of time during which the University is being monitored, the University agrees to provide Disability Rights Advocates reasonable advance notice of any proposed substantive change to Library procedures, services and resources available to students with print disabilities. No changes made by the Library will undercut or compromise commitments as set forth herein.
- 2) Library staff, including all staff listed in the “Library Contacts for Users with Disabilities” section of the Library webpage, will be adequately informed of new procedures, services, and resources for enabling students with print disabilities to access the Library’s materials.

#### E. Exclusions

With respect to Library materials that are not required or recommended reading assignments for a course, this settlement does not address the University’s obligation, if any, to provide an enrolled student with a print disability additional levels of access to the University’s Library materials beyond the access described above. This exclusion covers the following:

- 1) Converting digital format into any form of hard copy paper format (including hard copy Braille and large print for any library materials);
- 2) Editing of digital copies to achieve an accuracy beyond simply eliminating obvious errors resulting from the scanning/conversion process;
- 3) Conversion into accessible format of printed content which a standard OCR-scan does not convert into meaningful digital text, for example, visual/pictorial images, science and mathematics equations and symbols, graphs, and foreign languages.
- 4) Where extensive one on one assistance is needed to make Library materials accessible that are neither required nor recommended for a course in which the student is enrolled.

#### **VII. Publicly operated library computer technology, including scanners, is accessible, and includes options for producing scanned product in a form that is reasonably accessible to those with print disabilities.**

- A. The University will make reasonable best efforts to ensure that publicly operated library computer technology, including scanners, are accessible. Specifically, the University will offer a variety of software, hardware, and other programming to facilitate students who

choose to scan their own materials being able to do so in a timely manner without charge on a drop-in basis that includes at least some evening/weekend hours. The University will continue to identify and procure other types of accessible assistive technologies that will facilitate students who choose to self-scan being able to do so in a reasonable and equitable timeframe. Information on use of the scanners will be posted and distributed, as well as demonstrated upon request.

- B. Self-Scan: At the Alt Media Center (business hours 9am – 4:30pm, closed for lunch) and in all campus libraries <http://services.housing.berkeley.edu/c1c/static/libraries.htm> BookScan scanners are available to enable most students with print disabilities to self-scan hard copy materials into a variety of text-based pdfs and other digital formats. Students with print disabilities, registered at the Disabled Students Program as eligible for alternative media, may make a request to the Alt Media Assistant that their CallCards be “loaded” with pre-paid funds limited for use at the BookScan scanners, so that they may self-scan without incurring a charge.
- C. Self-Scan with Audio-Output: Scanners with JAWS software may be found at the Alternative Media Center and at the Moffitt basement general computer lab (Moffitt’s scanner is available evenings and weekends) for use by students whose vision impairment precludes their use of the BookScan scanner. There is no charge to use this scanner, which downloads scanned text into all preferred alt media formats onto student’s personal flash drive (students use personal earbuds/headphones to hear synthesized speech at workstation). Arrangements for advance instruction on how to use scanners w/audio output may be made, and a contact person will be identified and made available for reporting a technical problem while operating an audio-output scanner.
- D. Self-Scan of Materials on Reserve: Materials at a campus library may be exclusively within the possession of one patron for only a short period of time (e.g., two hours, 48 hours). Ordinarily students with print disabilities will be expected to self-scan as needed on-reserve books/materials within the same reserve time limits applicable to other students, although a student with a print disability may request an extension of time for possession of reserve materials by contacting the Library Contact for Users with Disabilities, for consideration on a case by case basis, taking into account the urgency/need of other Library patrons to access the materials. Upon request and as appropriate and reasonable, students whose disability precludes self-scanning of reserve materials may obtain a personal reader or other appropriate accommodation from the DSP Specialist.

### **VIII. Reports, Monitoring, and Other Terms**

- A. SIX MONTH DATA UPDATES: Starting in October 2013 and at six month intervals thereafter (March 2014, October 2014, March 2015, October 2015, March 2016 ) for the duration of the Settlement Period<sup>7</sup>, the University shall provide to DRA the following data: For each submission to DSP and the Library, data will include how many business days for turn around are allocated under the Settlement, how many business days actual production

<sup>7</sup> “Settlement Period” shall mean the time period commencing on the Effective Date of the Settlement (the date the Agreement is fully executed) and concluding at the end of the spring -term in 2016.

took, followed by a calculation as to how many business days more (or less) than the Settlement allotted turn around time were taken. For each submission, the data should also include date of request receipt, date of scheduled completion (per Settlement timeframes), and actual date of completion. Six month data updates will also include Faculty Textbook Adoption dates (based on campus bookstore records), and copies of any written complaints submitted by students concerning alt media during the preceding six months (subject to students' confidentiality requirements).

- B. ANNUAL PROGRESS REPORTS: The first Annual Progress Report from the University is due July 2014 (and thereafter July 2015 and July 2016). The Annual Progress Reports shall address what efforts the University has made to comply with each of the provisions of this Agreement since the last report. The Annual Progress Reports shall include but not be limited to:
1. A summary of any and all changes in alternative media services policies and procedures that have been made and/or are under serious consideration relating to the provision of alternative media services and activities, including, but not limited to, any changes in (1) timeframes for the provision of alternative media, (2) staffing, equipment, and technology for alternative media services, (3) policies and requirements for requesting alternative media from DSP, (4) staffing, equipment, and technology for the conversion of library materials, (5) policies and procedures for obtaining alternative media from the Library and (6) any substantive changes to the policies and procedures set forth in the University's Print Access Guide.
  2. A list of current databases of accessible electronic materials searched by the Alternative Media Specialist as part of the alternative media request and conversion process.
  3. A summary of current staffing, equipment, and technology allocated to alternative media conversion at both DSP and the library.
  4. Summary of efforts made to ensure faculty adopt books sufficiently in advance of the beginning of each term to allow for alternative media conversion to be made in time for students to keep up with course deadlines.
  5. Summary of any changes made to the University library online catalogs that impact usability by students with print disabilities.
  6. Summary of efforts to make the University's library collection digitized by Google/Hathi Trust available to students with print disabilities.
- C. DRA REVIEW: DRA shall review the semi-annual data updates and Annual Progress Reports for comprehensiveness and compliance with this Agreement.
- D. NEXT TO LAST ANNUAL REPORT: In its July 2015 Annual Progress Report, the University shall describe the University's compliance with this Agreement, and in particular

shall set forth any as yet unmet obligations under the Agreement, the reason for that failure, and the proposed resolution.

E. NOTICE OF ANTICIPATED VARIATION: In any instance where the University believes that meeting the standards and timelines specified herein is infeasible, or unnecessary because access to alternative media services is being or will be provided via another mechanism, the University will notify DRA of the proposed exception in writing. The notice shall include the reasons for the proposed exception and the alternative method through which access to alternative media services will be provided. Any disagreement between DRA and the University considering proposed exceptions shall be resolved via the dispute resolution provisions set forth in section IX of this Agreement.

F. STUDENT FEEDBACK

1. The University shall maintain a process by which students can complain in writing and/or orally about alt media services, which process will be included in the Print Access Guide.
2. The University shall specifically ask DSP students at least once a year, e.g., survey, for feedback regarding alternative media services, policies and procedures. Summaries of all such feedback received shall be included in the Annual Progress Report covering that period, subject to students' confidentiality requirements.

G. DRA FEES AND COSTS: The parties have entered into a separate Attorneys' Fees Agreement, which supercedes provisions of all prior agreements between the parties, including the January 27, 2012 Structured Negotiations Agreement relating to fees and costs incurred in connection with the parties' negotiation of this Agreement. Except as expressly provided in the Attorneys' Fees Agreement and paragraph H. below, DRA and its clients waive any claim to costs and attorneys' fees they have or may have in the future in connection with the negotiation, monitoring, performance, and enforcement of this Agreement.

H. DISPUTE RESOLUTION: DRA, as counsel for the Claimants and as a party to this Agreement, shall have standing to enforce the terms of this Agreement during the term of the Settlement Agreement. All disputes concerning the interpretation, implementation, modification and compliance with this Agreement, and concerning accommodation/services within the subject matter scope of this Agreement, shall be resolved as follows:

Step One: DRA and counsel for the University shall meet and confer in a good faith effort to resolve any dispute.

Step Two: In the event that the parties are unable to resolve their dispute through such meet and confer negotiations, the dispute shall be submitted to a mutually agreed upon arbitrator. The parties shall first try to agree upon a specific arbitrator. In the event that the parties cannot mutually agree on an arbitrator the parties shall submit their disagreement to an arbitrator randomly assigned by JAMS (Judicial Arbitration and Mediation Services) in San



Francisco. The arbitrator shall determine (a) whether the University has complied with the Agreement and (b) in the event that the University has not complied and/or has sought exceptions from or modifications of the terms of the Agreement, whether such non-compliance, exceptions and/or modifications are reasonable and necessary. In the latter circumstance, the University shall bear the burden of establishing the reasonableness and necessity of its conduct and proposed conduct. The determinations of the arbitrator shall be final, binding and non-appealable. The arbitrator shall have all necessary and appropriate powers under applicable law to resolve disputes, including the power to authorize discovery. Reasonable fees and costs in connection with any arbitration proceeding, including JAMS charges for the arbitration proceeding, may be claimed and recovered by either party in accordance with applicable law, with the following proviso: fees and costs may be awarded to the University only if the arbitrator determines that DRA's claim or challenge is frivolous.

I. CLAIMANTS' RELEASE OF CLAIMS (for Declaratory and Injunctive Relief)

1. In consideration for the terms and conditions of this Settlement Agreement, Claimants hereby release and discharge UC Berkeley, its officers, employees, and each and every person acting by, through, under or in concert with them, or any of them (collectively and individually referred to as the "Released Parties"), from any and all claims, actions, or liabilities that may have arisen at any time prior to the Effective Date of this Settlement or that may arise during the term of this Settlement Agreement that relate to the provision of accessible instructional materials at UC Berkeley or other matter covered by this Settlement Agreement, except as set forth below.
2. Accessible instructional materials, as used herein, refers to all hard copy print materials and/or digital materials covered under this Settlement Agreement.
3. This release does not cover the following items:
  - a) Any of the claims covered in the following sections of the Agreement: II.C.5, IV.D., VI.E..
  - b) Any claims that may arise against the Released Parties that are not related either to the provision of accessible instructional materials at UC Berkeley or to any other matter covered by this Settlement Agreement.
  - c) Any claims that may arise after the term of this Settlement Agreement is over.
  - d) Any claims related to UC Berkeley procurement practices and policies including claims related to the purchase of any inaccessible technology which is made available for student and/or for public use.
4. This release does not bar Claimants from pursuing and obtaining relief pursuant to the Dispute Resolution provisions of this Settlement Agreement for any claims that may arise

during the term of this Settlement Agreement relating to the provision of accessible instructional materials.

5. This settlement agreement does not affect in any way the individualized accommodations that have previously been negotiated and agreed upon in writing between the University and any of the named claimants, provided that prior to the signing of this Agreement a copy of the written individualized accommodation agreement has been submitted to University counsel.
6. No Assignment of Released Claims: Claimants, and each of them, represent and warrant that they have not assigned, sold, conveyed or otherwise transferred any of their rights, titles or interests in any of the released claims.

#### J. MISCELLANEOUS

1. Entire Agreement: This Agreement expresses and constitutes the complete and final understanding of the parties with respect to the subject matter of this Agreement. The parties hereto understand and agree that the terms of this Agreement supersede any prior discussions, understandings, or agreements, whether orally or in writing, between them related to the subject matter hereof.
2. Counterparts: This Agreement may be executed in counterparts, each of which shall be considered an original, but all of which, when taken together, shall constitute one and the same instrument.
3. Interpretation: The language of this Agreement shall be construed as a whole according to its fair meaning, and not strictly for or against any of the parties. The headings in this Agreement are solely for convenience and shall not be considered in its interpretation. Where required by context, the plural includes the singular and the singular includes the plural, and the terms “and” and “or” shall mean “and/or.” This Agreement is the product of negotiations and joint drafting so that any ambiguity shall not be construed against any party.
4. Additional Documents: To the extent any documents are required to be executed by any of the Parties to effectuate this Agreement, each party hereto agrees to execute and deliver such and further documents as may be required to carry out the terms of this Agreement.
5. Authority to Bind: The undersigned each represent and warrant that they are authorized to sign on behalf of, and to bind, the respective parties of this Agreement.
6. Effective Date: The effective date of this Agreement is the date of the last signature below.

UNIVERSITY OF CALIFORNIA, BERKELEY

Date: April 30, 2013

By: \_\_\_/s/\_\_\_\_\_  
Karen Petrulakis, Deputy General Counsel

Date: April 30, 2013

By: \_\_\_/s/\_\_\_\_\_  
Christopher M. Patti, Chief Campus Counsel

ACKNOWLEDGED:

Date: May 1, 2013

By: \_\_\_/s/\_\_\_\_\_  
Chief Risk Officer, University of California

DISABILITY RIGHTS ADVOCATES

Date: May 7, 2013

By: \_\_\_\_\_/s/\_\_\_\_\_  
Attorneys for Claimants

Date: May 5, 2013

\_\_\_\_\_/s/\_\_\_\_\_  
David Jaulus, Claimant

Date: May 6, 2013

\_\_\_\_\_/s/\_\_\_\_\_  
Brandon King, Claimant

Date: May 6, 2013

\_\_\_\_\_/s/\_\_\_\_\_  
Tabitha A. Mancini, Claimant

## Appendix A

### Alternative Media Guidelines

The following guidelines are designed to assist the Disabled Students Program (DSP) in providing you with timely and effective Alternative Media Services. DSP continues to be actively engaged in identifying ways to better serve students w/print disabilities. If you have questions about, or ideas for how to improve, any of the following guidelines, contact the DSP Director by email [hippolitus@berkeley.edu](mailto:hippolitus@berkeley.edu) or phone (510) 642-0518.

Upon request DSP provides alternative media for required and recommended course reading assignments including course textbooks, readers, handouts, materials posted to bSpace and specifically required or recommended library materials. Please note there are also [Library services](#) for students with print disabilities.

#### **Enroll in your Courses during the First Day Tele-BEARS Phase I and II Open**

As a DSP alt media student, you receive priority enrollment, which gives you the opportunity to register for your courses during the first day of both Tele-BEARS Phase I and Phase II, (Two weeks before Tele-BEARS Phase I opens and two weeks before Tele-BEARS II opens, the Registrar's Office will notify you by email of the specific date/time of your appointment to register online for courses.) Enrolling the first day of Tele-BEARS Phase I means you may enroll in most courses as far in advance as nineteen (19) weeks before the first day of class. Your early course enrollment (if promptly followed by your alt media request) enables DSP to produce your complete alt media before the start of class.

#### **Submit Your Request for Alternative Media as soon as you can**

Submitting your alt media requests as early as possible makes it more likely you will receive all of your alternative media material prior to the start of a semester. Once the course materials are announced for any course in which you are enrolled, immediately submit an alt media request. DSP will send you an email acknowledging receipt and stating scheduled completion date.

#### **Ask for Help if Classes Start in Six Weeks & Course Materials Not Yet Available**

The University is aware that course instructors do not always identify course materials six weeks or more before classes start, and that materials are not always available as soon as they are announced. If six weeks prior to the start of the semester, course materials have not yet been announced/made available for a course in which you are enrolled, **submit an Alt Media Notice**. The instructor will be contacted to attempt to expedite identification and availability of course materials.

**What is an Alt Media Notice?** You may email an Alt Media Notice if it is six weeks (or less) before start of class and the reason you have not submitted materials to DSP is:

- The course instructor has not yet announced course textbooks/course reader.
- The bookstore/copy center does not have the announced course book/reader in stock.
- You arranged for book to be sent directly to DSP by a bookstore or vendor, e.g. Amazon.
- A source from which to obtain materials in an electronic format has been identified.

**Note: If by three weeks before a class starts, you are registered for a course but have not submitted an alt media request or sent DSP an Alt Media Notice, DSP may not be able to provide that course's textbook or reader within the Standard Production Timeframes set out below.**

To file an Alt Media Notice, send an email to [dspamc@berkeley.edu](mailto:dspamc@berkeley.edu) with subject heading "Alt Media Notice". In the body of the email, identify course name and number, course instructor and instructor's email/phone (if available) and course materials (if announced). You may also send an Alt Media Notice to DSP by responding to one of the Alt Media Reminders DSP will email you six, five, and four weeks before the start of class.

### **Making a Request for Alternative Media**

***If you drop a course or an instructor changes your reading assignment, notify the Alt Media Assistant so that we may focus on alt media needed by you or others***

**Use the Alt Media Request Form** which may be completed and submitted online (no printer required), or printed off the DSP website or obtained from the DSP receptionist. Usually the most important factor in how soon you will receive your alt media is how far in advance of the start of the semester you turn in your alt media request. An inaccurate or incomplete request increases the risk of a delay in providing you with your alt media. The Alt Media Assistant is available to help you complete this request form. Complete the Alt Media Request form online <http://dsp.berkeley.edu/docs/AlternativeMediaRequestForm.pdf> or email an electronic copy of the completed Alt Media Request form to the Alt Media Assistant at [dspamc@berkeley.edu](mailto:dspamc@berkeley.edu) or give a hard copy to the DSP office receptionist. In addition to the Alt Media Request form, submit appropriate documentation (see below).

### **Identify Required and Recommended Reading Assignments**

When available, the course syllabus (with due dates for reading assignments) should be submitted with your alt media request. If the reading is not listed on the course syllabus, a written statement (email or note) from the course instructor is sufficient for showing the reading is required or recommended for the course.

### **Submitting Materials for Conversion**

Provide DSP the materials to be converted into your preferred alt media format at the same time you submit your completed alt media request form. If it is six weeks (or less) before the start of class and you do not have your course materials, you may want to send an Alt Media Notice (see above).

Within three business days of submitting hard copy materials for scanning/editing, the original materials will be returned to you for your use while waiting for your alt media. When DSP scans a bound-book or course-reader to provide alternative media, the book/reader will be cut into separate pages for rapid scanning, then re-bound. (At the semester end, rebound books may be returned to the campus bookstore just as other rental or used books.)

When the materials for which alt media is requested belong to the University Library system, please use the Library process for converting text into an accessible format so the materials can be scanned without damaging the binding. Be sure to notify the Library at the time of your request if the Library materials are required or recommended reading for a course assignment. Once the Library provides you the link where you may retrieve online the Library materials in a scanned digital format, you will have three business days to indicate you want DSP to further edit the scanned digital format of Library materials which are required or recommended for course reading assignments.

### **Verify your ownership of textbook/course reader (copyright issues)**

DSP usually may not release to you the alt media version of the book/reader until you provide verification of ownership of the source material. Normally, this means submitting a copy of your purchase receipt. If you do not have a receipt, you may sign a statement certifying "I am requesting an alternate format of a textbook that I own or that has been purchased on my behalf." (When an electronic version of your materials is available from the publisher, a receipt of purchase may be required and there may be a delay in completing your alt media request while DSP waits for you to provide a receipt of purchase). Either hand your proof of ownership to the DSP office receptionist or email a scanned copy to [dspamc@berkeley.edu](mailto:dspamc@berkeley.edu)

## **When Will I Receive My Alt Media?**

Below are timeframes generally required for DSP to provide alt media materials that require conversion and editing. You may get your alt media sooner than the schedule below, and on rare occasions some course materials may take longer. If the original scheduled date of completion must be adjusted, you will be sent an email with the revised estimated date of completion.

### **General Timeframes\* for Obtaining Accessible (Edited) Alt Media**

**To be sure you have your alt media before the start of classes**, submit your alt media request during Tele-BEARS Phase I or within the first three business days of TeleBears Phase II. For Tele-BEARS dates, see [Registrar's homepage](#). [DON'T SHOW: "Registrar's homepage" should link to <http://registrar.berkeley.edu/>] DSP will make its reasonable best efforts to provide full production of the material submitted by this time frame at least three days before the start of classes.

**Note: bSpace Online Postings and Hard Copy Handouts** vary widely in length and complexity. Such materials will be converted according to the standard production and expedited production time frames set forth below for textbooks or course readers, whichever format is most similar.

**Standard Production Time\***: Producing edited alt media for most textbooks (whether hard copy or posted to bSpace) takes ten (10) business days, and for most course readers (whether hard copy or posted to bSpace) takes seventeen (17) business days.

**Expedited Production (Rolling Basis)\***: When a shorter turn-around time is needed to complete a required course assignment, you may opt to obtain portions of your textbook or course reader as needed on a "rolling basis", rather than at the end of the Standard Production Time. Prioritize conversion of required portions of your textbook, course reader, or other material distributed by instructors by submitting the standard alt media request form, checking the box marked "Rolling Basis", and identifying the date the assignment is due (if due date is not shown on syllabus, written documentation of due date from instructor is sufficient). Starting within five business days of an urgent request for portions of a textbook, and starting within eight business days of an urgent request for portions of a course reader, those portions of the textbook, course reader or other materials that are due will be provided on a "rolling basis" 24 hours prior to each upcoming due date. The complete textbook, course reader or other materials will be provided as soon as reasonable.

**\*Specialized Text** takes longer than the standard production time due to:

Subject Matter: math, science (including computer science), foreign language materials

Paper Production: Braille or large print that requires re-formatting/re-pagination

Scan Conversion: marked-up materials or illegible Xeroxes requiring extensive text input by keyboard

Please submit your request for Specialized Text as far in advance as possible. DSP will make its best reasonable efforts to provide such alt media as soon as possible.

**Recommended (But Not Required) Reading Assignments**: upon request reading assignments recommended to the whole class will be converted into alternative media when needed for a class/course paper. The standard production turn-around times do not apply to alt media requests for recommended readings, which have lower priority than alt media requests for required readings. The volume of pending alt media requests for required readings, the purpose for which the recommended reading is needed, and difficulty producing the alt media for the specific recommended reading, all affect turn-around time. You will be provided an estimated date of completion for recommended reading materials.

**Requests for Extensions of Time**: If a student promptly files an alt media request as soon as instructional materials are available, but nevertheless is unable to complete a course assignment or take a course examination because his or her instructional materials were not accessible at the same time as they were to non-disabled students, the student may ask the DSP Specialist for a Letter of Accommodation requesting the instructor grant the student an extension of time to complete the assignment or take the course exam.

## **While You are Waiting for Your Alt Media. . .**

If you anticipate needing access to information within the materials during the three business days DSP has possession of your hard-copy materials for purposes of creating alternative media, you may self-scan for yourself in advance (before submitting to DSP) that portion of the materials you anticipate needing during these three business days. See below if you need assistance with self-scanning.

While waiting for your alt media, you may need interim support to meet course expectations in your ongoing classes. In addition to self-help options, you may want to ask your DSP Specialist for additional support, such as arranging for a reasonable extension of a course deadline for an assigned reading or other appropriate interim accommodation such as a personal reader. Contact the Alt Media Assistant at [dspamc@berkeley.edu](mailto:dspamc@berkeley.edu) if you believe an unedited electronic version would be helpful while you are waiting for the edited alt media (*unedited* scanned material has not been proof-read for errors occurring during scanning).

## **Where to get Your Completed Alternative Media Materials**

When your request for alt media has been completed, all electronic text materials will be posted to your DSP bSpace unless you make arrangements with the Alt Media Assistant to pick up digital text on a disk or portable drive. Alt media in a hard copy paper format, e.g. Braille or large print, will be made available for student pick-up at DSP Office (call DSP at 510-642-0518 ahead of time to be sure DSP receptionist will have the materials on hand when you come by).

## **Immediately Notify Us of Any Problems**

Promptly inform the Alt Media Assistant of any problems with alternative media provided to you. DSP will investigate the reported problem and take appropriate steps to resolve.

## **Appropriate Use of Alt Media**

DSP will ask you to affirm online that you will handle your alt media materials appropriately.

Any materials provided to you by DSP may not be copied or distributed in any manner that violates copyright law. For example if you sell the original hard copy version of a copyright protected text, you must promptly return the converted alternative media version to DSP or self-delete your electronic version.



## Self-Help Options

There are several “self help” options available for obtaining reading materials in various digital formats. You may contact the Alt Media Assistant at [dspamc@berkeley.edu](mailto:dspamc@berkeley.edu) if you need assistance using any of these self-help options. If under these Alternative Media Guidelines DSP would otherwise produce alt media for a required or recommended reading, using self-help options does not preclude you from obtaining further editing by DSP of the electronic copy you self-scanned or self-converted.

**Self-Search:** there are many databases/inventories of electronic books/materials (some in an accessible format, others not). You may be able to locate an existing electronic copy of the book you need by yourself – many electronic books are available for free, e.g., BookShare [www.bookshare.org](http://www.bookshare.org) or for a nominal fee, e.g., Learning Ally [www.LearningAlly.org](http://www.LearningAlly.org). Before submitting an alt media request for a book, you are encouraged to first check these primary e-book databases for availability of an existing electronic copy. If the electronic copy you locate via these databases requires additional editing, or conversion to hard copy Braille or Large Print, DSP will do such further editing or conversion provided a) it is a required or recommended course reading, b) an alt media request form is submitted, and c) the electronic document is not technically “locked” so as to preclude further editing or conversion (in which case you may have to provide a different version, e.g., hard copy, of the book/material to DSP). If you need assistance, the Alt Media Assistant can help you:

- set up an account with these e-book databases
- retrieve an electronic copy from an e-book database
- convert an electronic copy into your preferred alt media format if the material is for a required or recommended course reading.

**Self-Scan:** There are several options available that you may want to use to self-scan hard copy printed materials when the amount of material involved is small, and you want the materials very quickly. To make this as easy as possible, scanners (with multiple formatting choices) are located in almost all libraries and in the Alternative Media Center (AMC). DSP students with print disabilities may use any of these scanners at no charge (ask Alt Media Assistant for more information). You may also be eligible for a funding grant to buy a personal scanner. More information on this program is available at <http://dsp.berkeley.edu/grants.html>. Students at the AMC who are unable to use the AMC self-scanners due to a disability will be assisted at the AMC self-scanners (limit 20 minutes/day scanning assistance). An advance appointment with the Alt Media Assistant is suggested if scanning assistance/instruction is needed.

**Self-Conversion** (from one electronic format to your preferred alt media format): There is an [online free tool](#) designed to enable you to convert from one electronic format to your preferred alt media format.

## Appendix B

### Services for Persons with Print Disabilities

See [http://library.berkeley.edu/Help/print\\_disabilities.html](http://library.berkeley.edu/Help/print_disabilities.html)

- [Using the Library's online catalogs](#)
- [Finding existing electronic copies of print materials](#)
- [Self-scanning print materials into digital format](#)
- [Requesting full conversion of print materials to digital format](#) (in development)
- [Converting electronic files \(into the Preferred Digital Format\)](#)

If you have a print disability that limits your independent use of a campus library, please check the list of [Library Contacts for Users with Disabilities](#) for someone to assist you. If the library service desk is busy or the assistance you need will take some time, an appointment may be necessary.

The Library has instituted the following procedures and practices to assist persons with print disabilities in accessing the Library's resources. Please note that course-related items, such as assigned readings for class, may be submitted to the Disabled Students Program (DSP) in order to obtain a fully edited version in your preferred format. See [DSP Guidelines for Course-Related Alternative Media](#) for additional information.

#### Using the Library's Online Catalogs

The Library seeks to make its online catalogs, [OskiCat](#) and [Melvyl](#) as accessible as possible for those who rely on screen readers for audio output. Many aspects of the Library's online catalogs and web sites for research databases are operated by other entities that the Library does not control. If you encounter problems when using the Library's online catalogs that are due to incompatibility with assistive technology, please report your experience to the [Library Disability Liaison](#).

#### Finding Existing Electronic Copies of Print Materials

Many of the Library's materials already exist in an electronic version. The following catalogs should be checked to see if there is already an existing electronic copy of the materials you seek.

[OskiCat](#)

[Melvyl](#)

[Electronic Resources](#) (book & texts)

[Internet Archive](#)

#### Self-Scanning Print Materials into Digital Format

**BookScan Scanners across campus:** The Library enables patrons to self-scan by providing BookScan scanners at all [campus libraries](#). Anyone may use these BookScan scanners for converting print into a digital format that can be downloaded onto a personal USB flash drive. BookScan scanners operate via the UC Berkeley Cal1Card for a fee. No-cost self-scanning options are available to students with print disabilities who are registered at the Disabled Students Program (DSP).

### Free self-scanning for students w/print disabilities

**Pre-“loaded” Cal1Cards for BookScan:** Students with print disabilities, registered at the Disabled Students Program (DSP) as eligible for alternative media, may make a request to the DSP Alt Media Specialist for their personal Cal1Card to be “loaded” with pre-paid funds for the BookScan scanners. With these funds, there is no cost to the student with the print disability for self-scanning conversion of hard copy print into digital print.

**Self-Scan with Audio Output:** Scanners with JAWS software may be found at the Alternative Media Center and at the Moffitt basement general computer lab for use by students whose vision impairment precludes their use of the BookScan scanners. There is no charge to use an audio-output scanner, which downloads scanned text into all preferred alternative media formats. Students may save scanned text onto a personal flash drive or use personal headphones to hear synthesized speech at a workstation. Arrangements for advance instruction on how to use scanners w/audio output may be made by contacting [The Disabled Students' Program](#) (DSP), 260 Cesar Chavez Student Center, (510) 642-0518 or (510) 642-6376 (TTY).

**Reserve items** at a campus library are available to a single patron for only a limited period of time. Those with print disabilities are expected to self-scan as needed reserve books within the reserve time limits. Students whose disability necessitates access to a reserved item beyond the designated time limit may make a request to the library's disability access contact person, whose name may be found on the list of [Library Contacts for Users with Disabilities](#). An accommodation request for keeping reserve items beyond the designated time period will be individually considered, taking into account the number of copies available and the anticipated need for use of the same materials by others.

**Rare materials:** Students with print disabilities who need access for educational/research purposes to information in rare materials and/or other materials that may be easily damaged or are otherwise not suitable for scanning, may arrange with his/her DSP Specialist for a personal reader or other appropriate accommodation.

**Microform:** At campus libraries with microform collections there is equipment to print a paper copy (which readers may self-scan into digital format, see above). Machines at some libraries, including the [Newspaper/Microforms Library](#), have software that allow people to save electronic files to a USB flash drive. At the Newspaper/Microforms Library, users can get assistance all hours that the library is open. However, extensive assistance should be arranged in advance with the head of that library.

### Requesting Full Conversion of Print Materials to Digital Format

The Library is developing a new service to allow students with print disabilities, who are registered with the Disabled Students Program and have a disability that necessitates alternative media, to request print materials to be converted to a word-searchable PDF. A pilot runs November 2012-May 2013. Students eligible for this service can [follow these steps](#).

### Converting Electronic Files (into the Preferred Digital Format)

The free [online program](#) will convert an electronic file into any of several digital formats. This service is useful to use with image-based PDFs and when a file is not in a digital format preferred by the reader.

## In Settlement With Disabilities Group, Berkeley Will Improve Access to Course Materials

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By Jake New

The University of California at Berkeley has reached a settlement with Disability Rights Advocates in what the group is calling a “landmark agreement” to improve access to textbooks, course readers, and library materials for students with print-related disabilities.

Disability Rights Advocates represented three Berkeley students who said they had difficulty getting access to the materials they needed for class. The group, which is a nonprofit disability-rights legal center, approached the university last year on behalf of the students, proposing settlement negotiations that could resolve the issues and avoid a lawsuit. The negotiations, which took more than a year, led to several new accommodations, said Paul Hippolitus, director of the university’s Disabled Students Program, who called them overdue.

Over the past four years, the program struggled to keep up with a 115-percent increase in the number of textbooks it had to recreate in digital text, Braille, or audio form, Mr. Hippolitus said. Last semester the university created 750 such new versions.

“We had an old model that was not serving us well in this increase of quantity and quality,” Mr. Hippolitus said.

Under the new system, the staff that is dedicated to producing the alternative media will grow from three to five. Until this year, it had been a staff of one, Mr. Hippolitus said. The staff will also be moved to a larger space with new equipment. The new technology and employees will allow the program to offer more support for students and professors, helping answer students’ questions and lobbying faculty members to provide students with advance notice of what reading materials they will require.

The program hadn’t previously been able to offer those services, as the staff had been so busy just producing the materials the students needed, Mr. Hippolitus said.

“We didn’t have the time to attend to those niceties,” he said. “They are really important, but we didn’t have time while getting the books out.”

Additionally, the settlement requires the university to offer alerts and reminders to students to submit what they need in advance of a semester. The students will then get alternative versions of textbooks within 10 business days of a request and alternative course readers within 17 business days. If the wait is too long, students will be able to use self-scanning stations to produce their own materials.

Mr. Hippolitus said the university was not sure how much the new services would cost other than the extra \$120,000 in salaries for the program’s new staff members.

The new system will also provide greater access to books in the university’s library. The program will inform the library which students at Berkeley—there are about 70—require the alternative media, and

library staff members will scan books for those students using a new \$20,000 scanner, Mr. Hippolitus said. The machine is different from the equipment used by Mr. Hippolitus's program, as it leaves through pages, rather than requiring them to be cut out.

"Prior to the agreement, there was no real, defined process how to create alternative media for library holdings," Mr. Hippolitus said. "It was kind of a black hole. Now there's a clarity and a process to support that."

As students and instructors have increasing access to more media at a quicker pace, the need for improved methods of producing alternatives also grows. At the same time, the number of college students with disabilities is increasing. According to a 2009 report by the U.S. Government Accountability Office, 11 percent of undergraduates have a disability, with most of those students having learning disabilities.

Mr. Hippolitus said universities' systems must expand and evolve to meet those new challenges for students with disabilities.

"The broad concern is that alternative media across the country is lagging behind, and more and better systems can be created," he said. "If this is one, we're happy to make that contribution. If it just stimulates ideas better than ours, then terrific. We want to know about those ideas. But either way, it gets the conversation started about alternative media."