

Caption This!

Accessibility Law and Providing Captioning Services in Your Library



Karen E. Cowen



Amanda N. Price



Stephanie Towery



The rising STAR of Texas

Coming up:

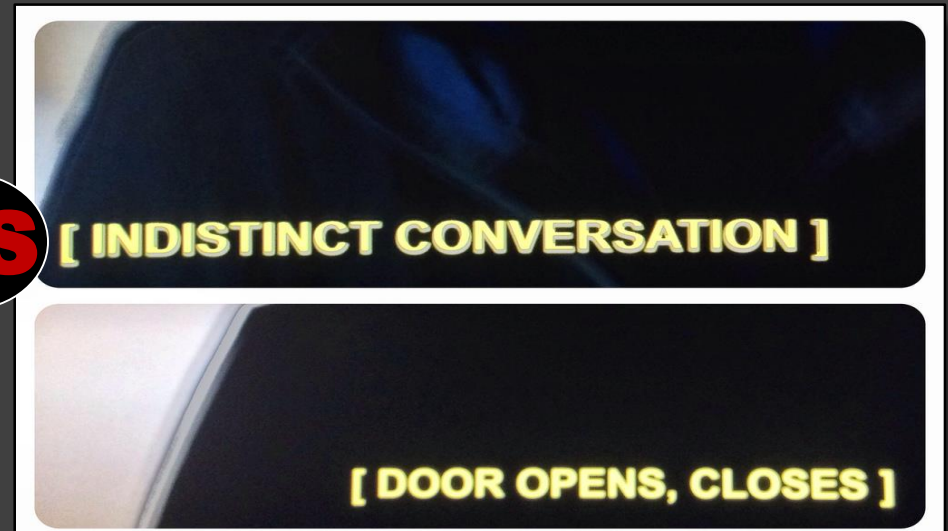
- **Introduction**
 - Captions and subtitles: What's the difference?
 - Who needs captions?
 - Why caption?
- **Captioning and the Law**
 - Accessibility requirements
 - The law and its impact
- **Moving Forward**
 - Setting policy and establishing practice
 - Licensing
 - Budget decisions
 - Maintaining the program
- **Workflows at Texas State University Libraries**



Subtitles vs Captions



VS



- Written dialogue only
- Translations of dialogue

- Dialogue + descriptive elements of sound
 - Ambient noise
 - Music notes and lyrics
 - Adds depth and emphasis to the scene
 - Provides context to some actions

Depth, emphasis and...

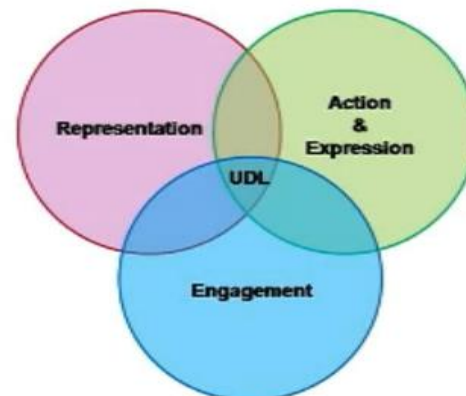


...context!



Support for the hearing impaired... AND MORE

- **Auditory processing disorder**
 - Auditory dyslexia
- **ADD/ADHD**
- **Language processing disorder**



UDL Principles

- **English as a second language**
- **Alternative modes of learning**
 - visual vs auditory and tactile
- **Supports Universal Design for Learning principles**

Why Caption?

- **Supports our goal of inclusiveness**
- **Supports our goal of accessibility**
- **Meets legal standards**



Federal Law & Accessibility Standards

Stephanie Towery, J.D., M.L.I.S

Why Captions? Because it's the law.

“Under [the ADA and 504], public accommodations must furnish appropriate **auxiliary aids and services** where necessary for effective communication ... 42 U.S.C. § 12182(b)(2)(A)(iii); 28 C.F.R. § 36.303. Auxiliary aids and services **include ... open and closed captioning** ... among other methods. 28 C.F.R. § 36.303(b).”

Note that the process of requesting reasonable accommodation does not apply to the provision of auxiliary aids and services - those must be provided when the service is initially offered to anyone.



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Rehabilitation Act Section 504 - federal funding recipients
Americans with Disabilities Act, Title II - state and local governments (state colleges & universities), Title III - public accommodations (all higher education)
Rehabilitation Act Section 508 - federal agencies
Some Higher Ed Consent Decrees (settlements) reference WCAG 2.0 AA 508
Refresh effective 1/18/2018 incorporated WCAG 2.0 A and AA
Many state laws require compliance with WCAG 2.0 A and AA

WCAG 2.0 requires captions

1.2.2 Captions (Prerecorded)

Level A

Captions are provided for all prerecorded audio content in synchronized media, except when the media is a media alternative for text and is clearly labeled as such.

<https://www.w3.org/WAI/WCAG21/quickref/?versions=2.0&showtechniques=122%2C123&hidesidebar=true#qr-media-equiv-captions>

What will happen if we don't caption?

Lawsuits by students, employees, or public (includes disability rights groups)

Actions, including lawsuits, by Department of Education Office of Civil Rights

Actions, including lawsuits, by Department of Justice Disability Rights Section

Copyright is not an obstacle to captioning

It is not a copyright infringement to make copies of videos in order to create closed captioning. The copying of a copyrighted video for the purposes of providing access to the hearing-impaired is not infringement.

Authority: Chafee Amendment (Section 121) and the right to fair use (Section 107)

The only case interpreting the Chafee Amendment is the recent decision in *Author's Guild v. HathiTrust* (HathiTrust).

HathiTrust holds that it is fair use to make copies to provide access to materials for people with disabilities.

HathiTrust also found that the Chafee Amendment did not preempt reliance on fair use. Additionally, in *HathiTrust*, a third party vendor, Google Books, scanned the copyrighted material on behalf of the Library, establishing that a library may rely on the right to fair use even when a third party vendor is the one doing the copying.

HathiTrust found that the Libraries could qualify as “authorized entities” under the Chafee Amendment and that the Chafee Amendment did not preempt the Libraries’ ability to rely on the right to fair use.

The left side of the slide features a dark red vertical banner. At the top, there is a faint, stylized illustration of a building with a prominent steeple. Below this, the Texas State University logo is displayed in gold, consisting of the words 'TEXAS STATE UNIVERSITY' with a five-pointed star between 'TEXAS' and 'STATE'. At the bottom of the banner, the university's motto 'The rising STAR of Texas' is written in a smaller, italicized font.

Moving Forward: Establishing a Captioning Program

Amanda N. Price, Acquisitions

Planning for a Program

- Policy
- Licensing
- Budgeting
- Workflows

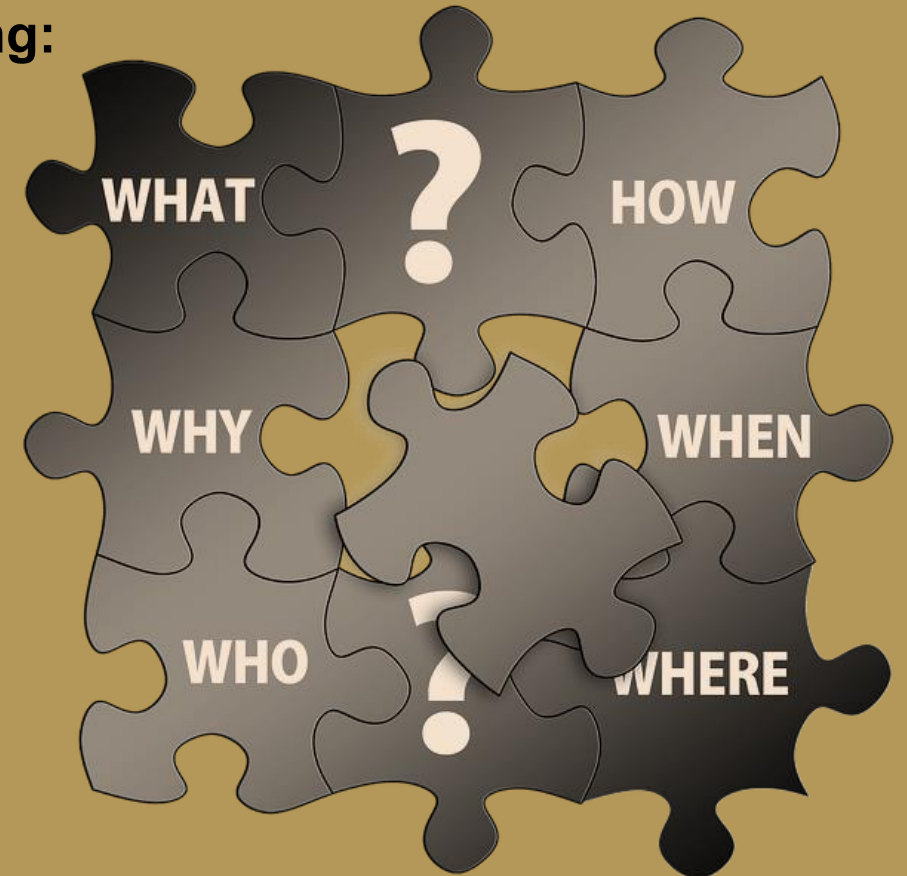


Setting Policy

What works for you?

Decisions for your collection's captioning:

- What will be captioned?
 - All, including backlog
 - Currently purchased forward
 - Vendor provided only
- What will be the Caption defaults?
- How will you handle other languages?
- Will there be a note in your Catalog?
- How will you track spending?
- How will licensing be affected?



Licensing for Captions

- **Negotiate for:**
 - **A Voluntary Product Accessibility Template (VPAT)**
 - **Vendor to provide captioning files**
 - **A captioning clause or addendum**



Include a clause that allows captioning:

“Using an outside party or specialized software to add captioning is permitted, as long as the content of the presentation is not otherwise changed, nor kept or used by the outside party.”

Budget Decisions:

Setting the stage for workflows



- **Hosting/streaming on parent platform**
 - Captioning provided by vendor
- **Streaming on hosted platform**
 - Ex: Alexander Street Press hosting service
- **Streaming on library hosting platform**
 - Vendor provided caption files
 - Third party captioning service
 - Option to caption in-house

In-house Captioning

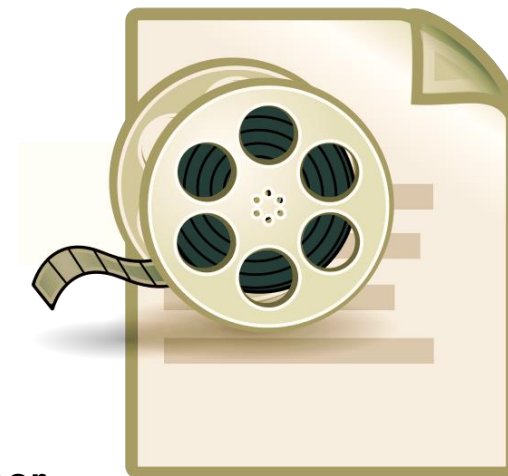
- **Staffing**
 - Who will manage
 - Dedicated staff or incorporated into other duties?
- **Expertise**
 - Training
 - Ongoing skill (dictation, spelling, etc.)
 - Troubleshooting
- **Tools and specialized equipment**
 - Headphones
 - Captioning software and support
 - Dedicated computer(s) that meet software requirements
- **Time**
 - Balancing staff processing time for captioning vs their other duties
 - Creating, syncing, uploading, troubleshooting
 - Records management



Budgeting:
Staff time
+ equipment
+ software
+ training

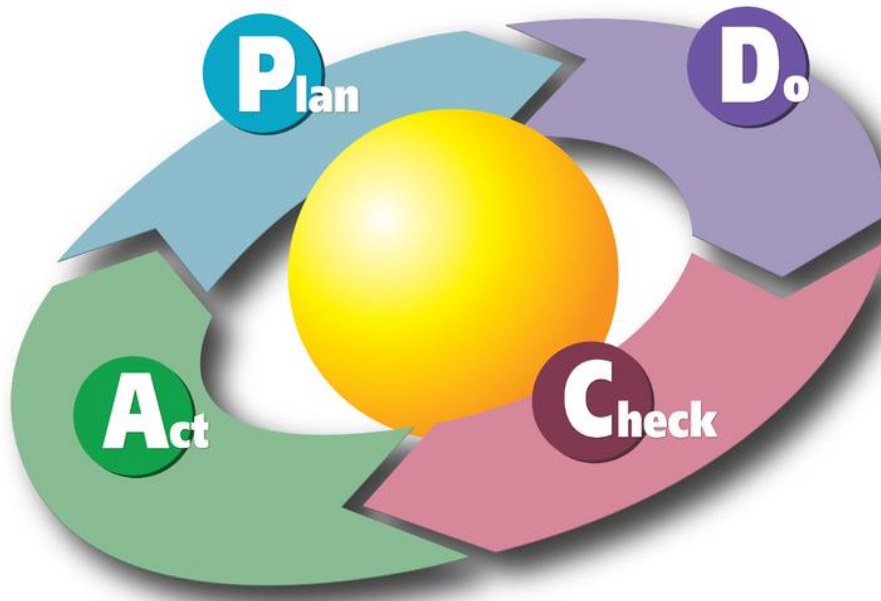
Captioning Service

- **Outsource**
 - Fewer internal staff and staff time
 - Little need for extra equipment or software
- **Budgeting**
 - Dollars per hour/minutes
 - Rev is \$1 per minute, English to English; \$3 - \$7 English to other
 - How many minutes total needed?
 - Possible processing fees for outsourced work and invoice processing
 - Caption cost/minute + staff time + any processing fees
- **Internal staff**
 - Establishing (and continuing) expertise for workflows
 - Balancing time for outsource captioning work with regular duties
 - Troubleshooting issues
 - Uploads to platform (internal or vendor)
 - Invoice processing integrated with usual invoicing/payment workflows



The Captioning Program and Beyond

- Plan your processes, but not in a vacuum
- Keep communication channels open for priorities and feedback
- Have an established mechanism for problem reporting
- Engage in continuous assessment measures



P – Plan the project

D – Do the plan

C – Check for problems and improvements

A – Act to improve your processes

Bulsuk, Karn G. Taking the First Step with the PDCA (Plan-Do-Check-Act) Cycle <https://www.bulsuk.com/2009/02/taking-first-step-with-pdca.html>

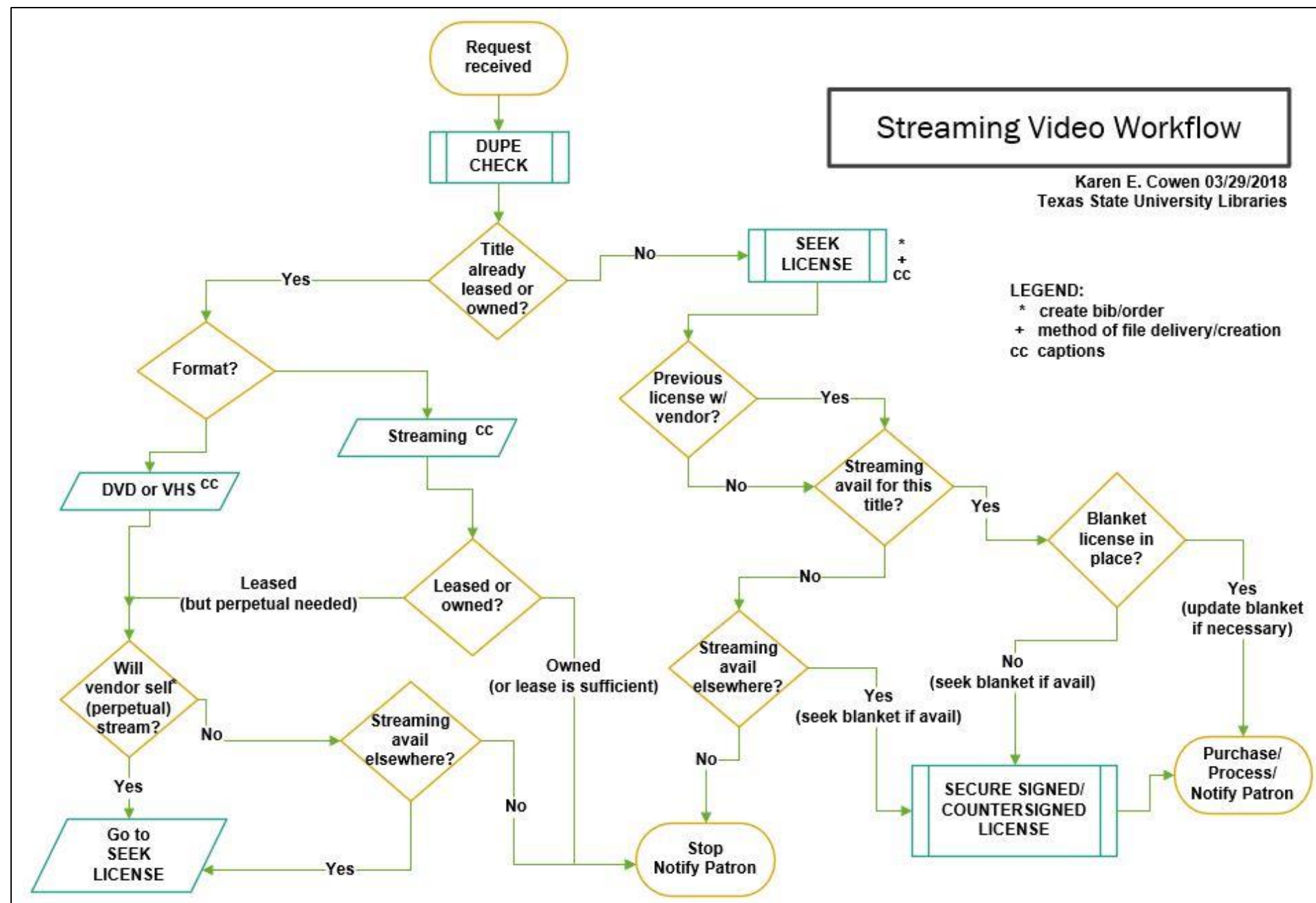
Establishing Workflows at Texas State

Karen E. Cowen

Head Collection Development Assistant

Current Systems at Texas State Libraries

- Streaming video platform: Ensemble (rebranded as Mediaflo)
- Captioning service: Rev
- Integrated Library System: Innovative Sierra
- One specialized staff person
- Average 45 minutes per video on processing, invoicing, records



Considerations

Permalink: Are the Kids Alright

Copy the link below to share with friends

<https://mediaflo.txstate.edu/Watch/b48010273>

View

☐ Annotations ☐ Captions "On" By Default ☐ Interactive Transcript

☐ Social Sharing ☒ Title ☐ Viewers Report

☐ Additional Settings

☐ Attachments ☐ Auto Play (PC Only) ☐ Copy URL

☐ Download Link ☐ Embed Code ☐ Links

☐ Meta Data

Or, create a custom permalink

<https://mediaflo.txstate.edu/Watch/>

Create

Close

- Leased or perpetual
- Spoken language(s)
- Multiple files
- File from vendor
- In-house creation
- Third-party
- Captions on by default
- Other settings

Ordering

Acq Type	p PURCHASE	Suppression(C4)	n SUPPRESS	Recv Date	01-23-2019
Location	o Online	Est. Price	\$26.80	Recv Location	a MAR
Cat Date	- -	Form	5 CAPTIONS	Billing Location	a MAR
Claim	- ---	Fund	98c 98c Captions LF	Status	a FULLY PAID
Copies	1	Order Date	01-22-2019	Transit Location	- ---
ORDERER(C1)	q KAREN	Order Note	- ---	Vendor	revc Rev Com I
FAC/LIB(C2)	I LIBRARIAN REQ	Order Type	f FIRM ORDER	Volumes	1
ORDER STAT (C3)	- NONE	Recv Action	- ---		

Local PO Number	9k0101z							
SAP PO Number	3200048989							
Note	\$ 5.97 Around the Campfire							
Note	\$ 2.52 Biology of Toxic Stress							
Note	\$ 7.74 How to Connect with Students							
Note	\$ 5.57 Lighthouse Parenting							
Note	\$ 5.00 What Are ACE's							
Paid	DATE	INVD	INV#	AMT	VOUCHER	COPIES	FOR CURR	NOTE
	02-04-2019	01-31-2019	6238915	\$26.80	89905	001		

Edit Mode (OVR)

- Template
- One order per bib
- Current status
- Confirmation email
- File-ready email
- One PO per month
- Technical support
- Error codes
- Editing caption file
- Adjusting sync

Bibliographic Record

Description	300			1 streaming video (57 min.) : bsd., col. with b&w sequences
Note	500			Purchased title.
Note	546			In English with some Spanish.
Note	546		9	Closed captions in English.
Subject	655		0	Video recordings for the hearing impaired. 2 cgft
Subject	691	1		1998C
Misc.	856	4		u https://mediaflo.txstate.edu/Watch/b48010273 zView online

- Relevant fields to add
- Using macros
- Who edits bibliographic record
- Assigning tasks

Invoicing and Paying

User: Amanda / Karen Price / Cowen (anp125@txstate.edu)

Delivered	Reference PO	Order #	Activity	Files	Amount
20-Jan-19	5c448356 309ece00 160306a6	CP0190189051	Caption, 5m 58s	Around the Campfire Toolkit.vtt	5.97
22-Jan-19	5c473db9 309ece00 160306a8	CP0285128571	Caption, 2m 31s	Biology of Toxic Stress Toolkit.vtt	2.52
22-Jan-19	5c47455c 309ece00 160306a9	CP0377513841	Caption, 7m 44s	How To Connect with Students Toolkit.vtt	7.74
22-Jan-19	5c4769da 309ece00 160306ac	CP0006520033	Caption, 5m 34s	Lighthouse Parenting Toolkit.vtt	5.57
22-Jan-19	5c47a3bb 309ece00 160306af	CP0708829820	Caption, 5m	What Are ACE's? Toolkit.vtt	5.00
Total					26.80

- One per month
- Notes for multiple videos
- PO numbering

References and Images

Images via Creative Commons

<https://search.creativecommons.org/>

- Slide 2: <https://bit.ly/2IBPH4W>
- Slide 3a: <https://bit.ly/2tDhsjh>
- Slide 3b: <https://bit.ly/2Vp9J4d>
- Slides 4 & 5: <https://bit.ly/2U6pZqs>
- Slide 6a: <https://bit.ly/2VgxqeM>
- Slide 6b: <https://bit.ly/2EbH9Mt>
- Slide 7: <https://bit.ly/2GLECfY>
- Slide 13: <https://bit.ly/2SriDfj>
- Slide 14: <https://bit.ly/2tAJKLf>
- Slide 16: <https://bit.ly/2tFWkSk>

For Legal References please visit:

https://drive.google.com/open?id=1iVS_s67wvcCTpG9G2--jOQD5Fsl-t4US

For further reading:

- An Introductory Guide to Disability Language and Empowerment.
<http://sudcc.syr.edu/LanguageGuide/>
- Disability Etiquette
<http://www.unitedspinal.org/pdf/DisabilityEtiquette.pdf>
- Information and Technical Assistance on the Americans with Disabilities Act.
<https://www.ada.gov/>
- UDL Guidelines.
http://udlguidelines.cast.org/?utm_medium=web&utm_campaign=none&utm_source=cast-home
- Science for Students with Disabilities: Universal Design for Learning.
<https://www.nsta.org/disabilities/design.aspx>
- Voluntary Product Accessibility Template (VPAT).
<https://www.itic.org/dotAsset/da002e81-9776-4d26-aa51-8a940884d1ab.pdf>
- 10 Free Tools to Make Your Captioning Process Easier in 2018.
<https://blog.amara.org/2018/05/02/10-free-tools-to-make-your-captioning-process-easier-in-2018/>
- The Best Free Captioning Tools.
<https://blog.ai-media.tv/blog/the-best-free-captioning-tools>
- 10 Best Closed Captioning Software 2019.
<https://blogs.systweak.com/2018/08/best-closed-captioning-software/>