



Waterford Institute *of* Technology
INSTITIÚID TEICNEOLAÍOCHTA PHORT LÁIRGE

Submission to the Copyright Review Committee

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Executive summary

Waterford Institute of Technology (WIT) wishes to bring to the attention of the Copyright Review Committee the experience and needs of students with print disabilities in accessing learning materials. The HEA anticipate that the number of students with disabilities will continue to grow in the coming years, and so too will the demand from students with print disabilities for materials in alternative formats. We anticipate that this trend will be mirrored in WIT, and that the provision of text in alternative formats should become an immediate concern for all Higher Education Institutes (HEIs).

This raises many challenges for HEI institutions including the need to ensure equality of provision for students with disabilities who in order to learn, need access to alternative materials in real time. Currently the provision of textbooks and materials in alternative formats is complex, expensive and inconsistent in format. Publishers do not provide intermediate files in an accessible version therefore colleges have to initiate a complex, time consuming and expensive process of reproducing a textbook through dismantling the textbook, scanning and editing it into an acceptable accessible format.

This change to copyright legislation is an opportunity to make a number of key recommendations to the Copyright Review Committee that would make a significant difference. This submission advocates that students with print disabilities in mainstream education realize their rights to an equal education. WIT is largely satisfied with the proposed changes to section 104 of the Copyright Act, but note that the act does not make any mention of the need to provide accessible intermediate versions of texts and materials. There is a need for revised legislation to compel publishers to provide materials in accessible intermediate files to students with disabilities in a reasonable time frame.

Recommendations to the Copyright Review

- Establish a legal obligation on the publisher to provide intermediate electronic versions of text, compatible with assistive technology, in a timely manner.
- Ensure that Intermediate Electronic Versions are structured in an adaptable and accessible format and to a minimum standard of accessibility that allows all information to be read.
- Ensure that all educational institutions can procure intermediate electronic copies in real time from publishers on behalf of their students with print disabilities.
- Resources requested in electronic format should be supplied by the publisher in a format compatible with assistive technology.
- Ensure compliance with Equality and Disability legislation by ensuring documents are navigable by a wide range of assistive technologies.
- In Ireland there is a need for publishers to actively engage in the process of alternative formats and to understand the rationale for alternative formatting and the principles of accessible information.
- Consultation both with People with a disability and with disability support providers is required to inform the legislative framework.
- Publishers provide a directory of publisher contact details for use when requesting electronic formats modelled on the British and American resources (<http://www.publisherlookup.org/> and <http://www.publisherlookup.org.uk/>)

1. Introduction

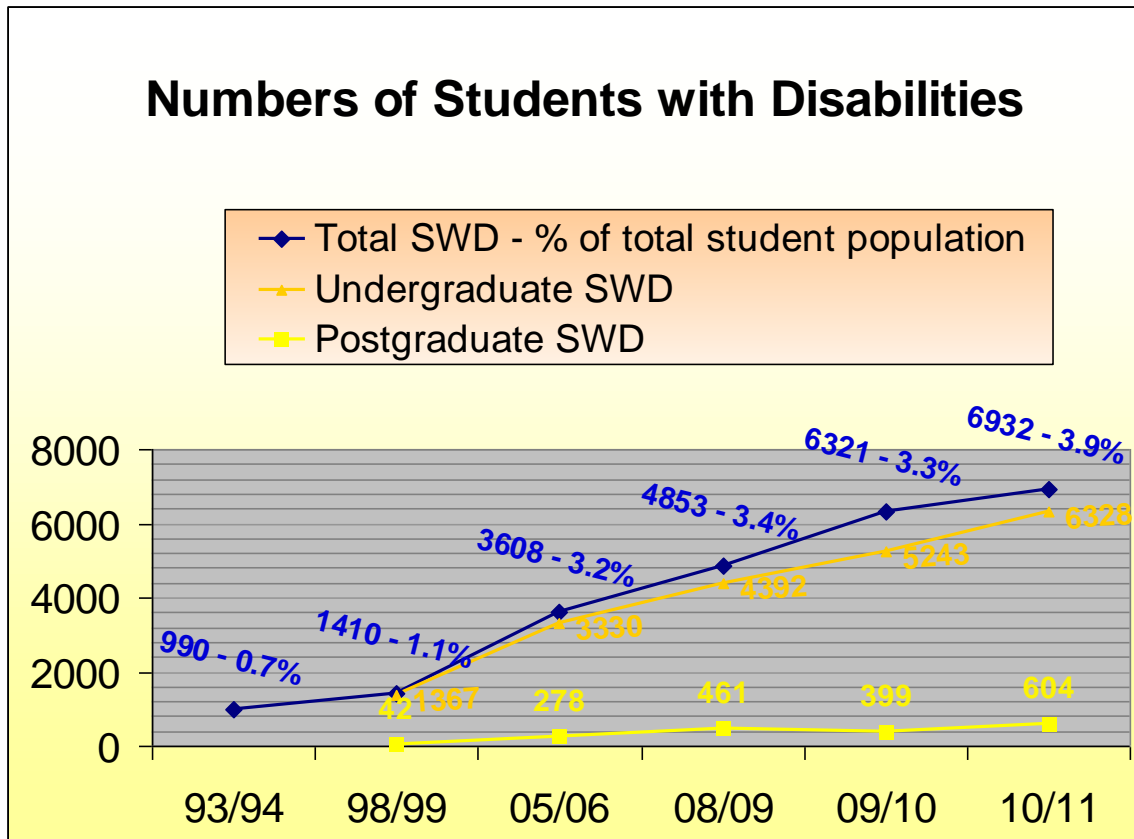
The numbers of students with registered disabilities in higher education has risen dramatically over the last decade from 990 to over 6,900¹. The number of new entrants continues to grow every year and in 2010 there were 2386 new entrants with a registered disability in higher education nationally. These figures include full-time students with disabilities in WIT.

2. Participation rates of students with disabilities in higher education:

The ever growing numbers of students with disabilities entering into higher education leads to greater demand for the provision of resources in alternative formats. This is likely to continue to grow further in line with the Higher Education Authority National Plan for Equity of Access 2008-2013 which seeks to double the number of students with sensory, physical and multiple disabilities in higher education.

¹ AHEAD Participation Rates 2010/2011

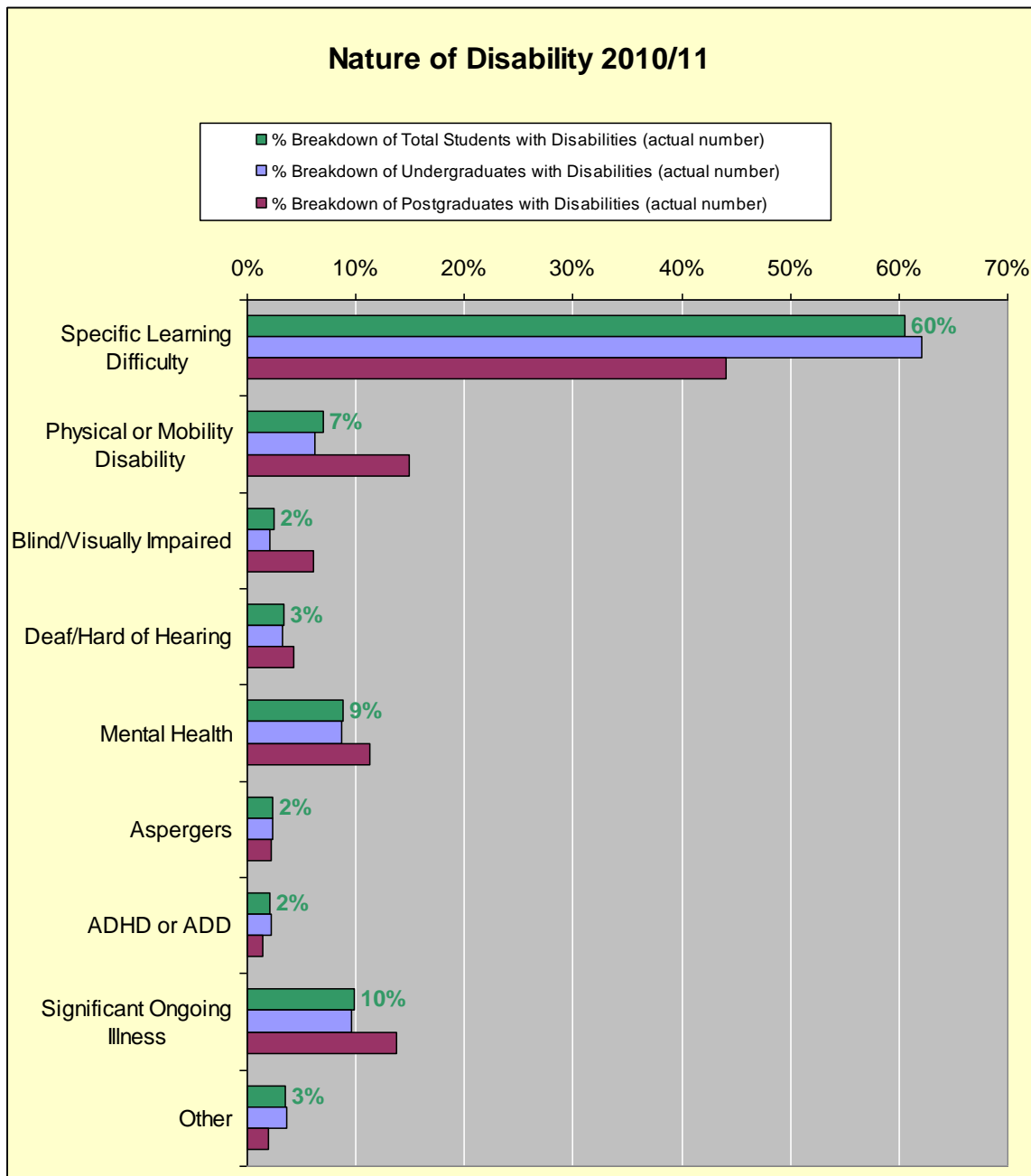
Figure 1 shows the increasing numbers of students with disabilities from AHEAD's first survey of the subject in 1993/94 right through to 2010/11, and included in the student profile are undergraduate and post-graduate students registered at Waterford Institute of Technology.



Type of disability:

Of the 6932 students represented in the AHEAD survey, 4192 (60%) have a specific learning difficulty, and 172 (2%), are blind or visually impaired, (see figure 2 below). Therefore, it can be inferred that 62% of students with disabilities in higher education have some degree of difficulty accessing text-based books and materials.

Figure 2 shows the national disability profile of total, new entrant and final year students registered with disabilities.



Students with disabilities have difficulty in reading and interpreting hard-copy printed materials. Therefore they require an 'alternative format' or alternative mode of access to this material, such as intermediate electronic formats, DVD, audio access, large print, or touch such as Braille.

3. Experience of students in accessing alternative resources

Students who have print disabilities have difficulty getting core textbooks in alternative formats in real time. Therefore they cannot study at the same pace as other students. According to recent research, without technology and access to alternative resources,

“Technology has an impact on what a student who is blind or visually impaired can and cannot learn and makes the difference between making learning possible or not”²

Alternative texts and materials cannot be purchased in the same way as a textbook and must be created which takes an unacceptably long time. The result is that many students engaged in higher education do not get the core textbooks required and are working at a severe disadvantage. Such a practice is discriminating and undermines the student’s capacity to develop independent learning skills.

In addition to students who are blind or visually impaired there are many other students with text difficulties, for example students with dyslexia and significant mobility impairments. There are also over 4,000 students with medically verified print disabilities (dyslexia and visual impairment) in HEI who require an ‘alternative format’ or alternative mode of access to this material. In Ireland there is a need to raise awareness of the rationale for alternative formatting, and to adopt best practice principles for providing information in an accessible format.

4. What is the current situation with alternative format provision?

Creating alternative formatted material in an accessible format is an expensive, labour intensive and administratively heavy process (see chart 1 on the following page). Up to €60,000 is allocated from the HEA Fund for students with disabilities in any given year for the creation of materials in alternative formats which is insufficient to meet growing demands. The current process also results in unnecessary duplication of scarce resources. The lengthy steps involved in providing resources in

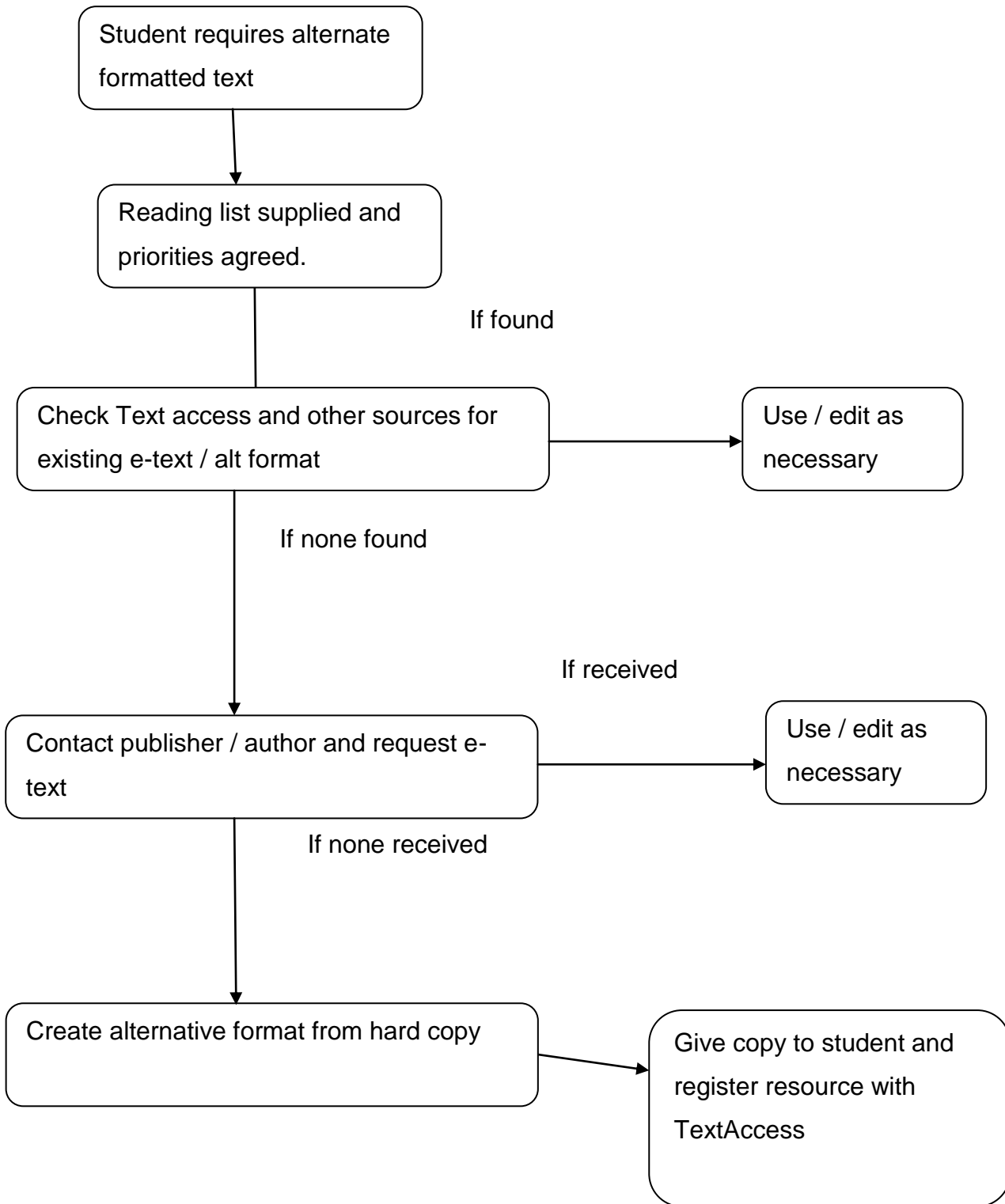
² Seeing Ahead, A Study of the factors affecting Blind and Visually impaired Children going on to higher education, AHEAD Press, pg 46.

alternative format are detailed in Chart 1 and Appendix 1. This procedure is out of step with advances in technology and worst of all it fails to deliver the texts/materials to the student in REAL time putting them at a significant disadvantage in comparison with other students. Furthermore this approach is not in compliance with current international and national legislation and a fresh approach is urgently required to ensure equal treatment of all students in higher education.

Alternative format materials frequently involve audio access, mostly using text-to-speech software. When providing materials in alternative format, the first step is always the acquisition / creation of an accessible electronic version of the resource, as electronic texts have the potential to be converted quickly and easily into the format required by the student. The central premise of our submission is that electronic textbooks should be made available by the publisher in an intermediate electronic version that can be easily converted into an Accessible Copy to satisfy diverse needs of our students.

Below is an alternative format flow chart that illustrates the series of complex steps that must be taken within a college every time a student with a print disability requires a text/material in an alternative format. .

Chart 1: The steps involved in providing resources in alternative format:



5. Technical developments

Over the past decade the use of electronic resources has become increasingly popular, aided by new technologies. The electronic format has replaced print as the most common method of journal use.

When providing materials in alternative format, the first step is always the acquisition / creation of an intermediate electronic version of the resource.

The Copyright and Related Acts 2000 allows some educational institutions to produce materials published in Ireland in accessible formats without express permission from the author or publisher as per section 104 “Provision of modified works” and section 205 “Making available to public copies of recordings of qualifying performances”. However, while allowing for this exception, the Copyright Act makes no reference to the availability of intermediate electronic versions of the resource. A vital step in ensuring that students with print disabilities can access textbooks in real time and on an equal basis to other students is the availability to institutions of intermediate electronic versions of the resource.

6. Intermediate Electronic Versions

Without access to intermediate electronic formats from publishers, accessible formats are produced through dismantling texts, scanning them page by page, converting them to word documents for editing, and rebinding the text. This is a lengthy and costly procedure; both of which would be reduced substantially if publishers were to make digital copies available to the ultimate benefit of students. Publishers have an anticipatory duty to hold an intermediate electronic version of resources that can be supplied on request for the purpose of creating an accessible resource for a person with a disability who is the owner or lawful user of a work in accordance with section 104 of the Copyright Act.

To be accessible, an Intermediate Electronic Version must be structured in a format that allows all information to be read (e.g. removing columns; describing tables, graphs and pictures; cutting notes and footnotes and placing in the relevant point in the text; inserting page numbers to allow for referencing

etc.).An intermediate file should comply with best practice accessibility standards as outlined by the WCAG Web Consortium Accessibility Guidelines, as follows:

- structure (i.e. a table of contents);
- formatting with Styles;
- the main body text set to an 'Int Normal' style so that it can all easily be changed to a different font or size;
- tables created using table tools, not tabs or spaces;
- text descriptions for images;
- text transcripts of sound files;
- a complete and correct copyright statement;
- "meta-data' with the correct title, author, ISBN etc.

Intermediate electronic documents should follow an agreed standard to ensure accessibility. This standard should be future proofed as far as possible against future technological changes and be usable with standard processing systems (e.g. Windows and MAC OS).

National developments

Legislation within Ireland has also ensured focus on this issue. The Equal Status Act 2000 specifically prohibits discrimination at an 'educational establishment' in Section 7, and under section 28 of the Disability Act 2005 (House of the Oireachtas 2000, 2005), individuals are entitled to receive information in alternative formats where possible, upon request.

Equal opportunities for people with disabilities

The HEA published their National Plan for Equity of Access 2008-2013 in July 2008. Target 34 of this plan states:

The National Access Office will commission research on the provision of academic material in alternate format across the higher-education sector. Recommendations will be made and next steps outlined in the context of creating a model of good

practice for the provision of alternative format (National Office of Equity of Access to Higher Education 2008).

In 2009, TCD revised and strengthened its Accessible Information Policy (Trinity College Dublin 2009), which includes the commitments to:

- Openly advertise the availability of information in accessible formats to staff and members of the public. The College agreed statement is 'Accessible formats are available upon request' and this should be prominently placed on all publications.
- Establish a procedure for requesting information in accessible formats. Advertise the availability of this service and ensure that all staff are trained in the receipt and operation of such requests.

7. Conclusion

While all students benefit from access to electronic textbooks and other technology, for students who are blind or who have other print disabilities this access is vital as without it they will not be able to deal with the reading demands of an academic course and they may fail. It is clear from this report that providing alternative format is a complex process, but one that is vital to the inclusion of disabled students in education at all levels. Alternative format materials allow print-disabled students to participate fully in higher education. All intermediate electronic versions of textbooks and other printed materials should be made available to best practice standards of accessibility by publishers.

Appendix 1

The steps involved in providing resources in alternative format:

Preliminary step

Higher education institutions should ensure that all students are aware of and register with the Disability Service as early as possible to ensure that students who anticipate needing materials in alternative format connect with the Disability Service as early as possible.

Step 1: The reading list

The first step in the provision of resources to students with print disabilities is the provision of reading lists by lecturers. To ensure a smooth process reading lists should be clear, concise, and received in a timely manner.

Step 2: Check for existing electronic resources / alt format.

Once reading list priorities are agreed, a full search of e-text databases and online resources is conducted through the library. This includes Text Access.

- **Text Access**

Currently there is a national AHEAD initiative to catalogue resources prepared in alternative format called Text Access. Text Access provides a centralised database of accessible resources created by participating Irish colleges. Essentially if a book has been converted to an alternate format by any Irish college then no other Irish college should have to convert the same book if required by one of their students. While publishers are increasingly recognising their responsibility to make texts accessible, thus reducing the amount of accessible electronic resources created by Irish colleges, there is still demand for older texts which are available through Text Access.

Step 3: Contact publisher to request e-text

Following an exhaustive search of current resources, the publisher is contacted and an electronic copy is requested. As these accessible copies are bound by licensing agreements, colleges have to apply on behalf of each individual student who requires the accessible text.

Publishers

There seems to be a lack of awareness on the part of some publishers regarding the rationale for alternative formatting however and there can be delays in the receipt of electronic resources. Furthermore there is confusion regarding who, within the institution, should request electronic texts for readers with print disabilities. A nationally agreed process between higher education institutes and publishers would be welcomed. Legislation compelling publishers to provide materials in intermediate electronic versions and to engage with higher education institutions would be welcome.

It is important to recognise that the distribution of an electronic text is not the only step in alternative format provision. Resources requested in electronic format are often supplied in formats inaccessible to assistive technology (Quark). Texts must then be adapted to ensure they are properly usable with assistive technologies. In the UK, the Publishers Association (<http://www.publisherlookup.org.uk>) has started working to inform publishers as to the importance of documents having a semantic structure which can be used for navigation by a wide range of assistive technologies. In Ireland also, there is a need to raise awareness of the rationale for alternative formatting, and the principles of accessible information.

Step 4 – Alternative formatting

If it proves impossible to locate an existing electronic copy of the necessary text, or to obtain a copy from the publisher, an electronic copy is produced from an existing printed text. This is always the option of final resort as it is both time-consuming and expensive.

The production of alternative formats involves obtaining a print text and removing the spine, scanning material and editing as necessary. Once the electronic text has been created it must be converted to the format necessary and sent on to the student.

Resources cited

AHEAD (2010). *Survey on the Participation Rates of Students with Disabilities in Higher Education for the Academic Year 2009/2010*. Dublin: AHEAD.

AHEAD (2008) *Seeing AHEAD: a study of the factors affecting blind and visually impaired students going on to higher education*, Dublin: AHEAD.