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Keeping Up Accessibility Practices and How It Relates to Purchasing and Collection Development in Academic Libraries: A Case Study at the College of Staten Island Library

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Abstract

At the College of Staten Island (CSI) Library-CUNY, the library has access to over 160 different electronic resources. A concerted effort started in 2016 to start collecting relevant voluntary product accessibility template (VPAT) statements from new and current vendors and integrate these new practices into acquisition and electronic resources (ER) workflows. The paper will discuss the responsibilities of purchasing agents in libraries, acquisition or ER librarians, in regard to understanding disability law and how these legal mandates apply when investigating, acquiring, and maintaining electronic resources. Relevant tools will be discussed, in particular the use of VPATs and WCAG 2.0 guidelines that can be used when evaluating digital resources for Section 508 compliance. A VPAT repository was started using Centralized Online Resource Acquisitions and Licensing (CORAL) tool, by the CSI library. The benefits and the limitations of these evaluation tools will be discussed, as well as the sharing of current processes used at other libraries in determining the accessibility of e-resources. The concept of universal design (UD) and how to incorporate UD into better purchasing decisions for ER products will be introduced.

Introduction

Academic Libraries

Academic institutions of higher education are ethically and legally responsible to follow federal disability law. Unlike primary and secondary schools, which are covered under the Individuals with Disabilities Education Act (IDEA), universities and their libraries are required under the Americans with Disabilities Act (ADA) to provide equal services to individuals with disabilities. The ADA of 1990, amended in 2008, mandates that places of employment, commercial facilities, all government agencies, and public accommodations be equally accessible to individuals with disabilities and that reasonable accommodations must be provided ("An Overview," 2015). However, these reasonable accommodations cannot create a major change that will affect the function of a program or service or place undue financial or administrative burden on the institution. Likewise, Section 504 of the Rehabilitation Act of 1973 requires programs or activities receiving federal funding be fully accessible through the use of accommodations or modifications. In 1998, amendments were made to include Section 508, which requires electronic and information technology to be fully accessible (Rehabilitation Act, 2016).

Due to the law being vague in directives, academic libraries can receive guidance through recent interpretation of the laws by the U.S. Department of Education, Office of Civil Rights (OCR), and the Department of Justice's Civil Rights Division, and via recent court cases. In particular, the 2010 Joint "Dear Colleague" Letter: Electronic Book Readers (June 29, 2010) from the U.S. Dept. of Education and the U.S. Justice Dept. (DOJ) to college and university presidents, mandates that all emerging electronic and information resource technologies be accessible to individuals with disabilities. This came after a 2009 court settlement between the National Federation for the Blind (NFB) v. Arizona State University (ASU). The university was sued when the library, during a pilot project to distribute electronic textbooks, chose the Kindle DX, which did not support text-to-speech capabilities.

Acquisition Librarians

The lessons learned by acquisition librarians are that we need to become more aware of accessibility compliance when acquiring digital collections, and that means changing current collection development practices. It is ultimately the responsibility of a library to ensure that vendor's products conform to these standards, since the burden of complying with disability law rests with the facility providing the service or product, not just necessarily the vendor. The World Wide Web Consortium (W3C)'s Web Content Accessibility Guidelines (WCAG) 2.0 can assist librarians in evaluating electronic resources according to Section 508. A more tangible item to

collect is a voluntary product accessibility template (VPAT). It is a vendor-generated statement, originally required by the federal government, to compare how a vendor's product complies with Section 508 standards. Libraries can essentially use a VPAT to evaluate how their electronic resource collections conform to legal standards. They can also utilize checklists, such as the Tatomir Accessibility Checklist (TAC), or guidelines provided by library organizations, such as ALA's Association of Specialized and Cooperative Library Agencies (ASCLA).

In 2012, the ARL Joint Task Force recommended that accessibility and universal design (UD) be fully integrated into the procurement process and technology planning in every library. UD is defined as a library designing its facility and services for individuals with a broad range of abilities. Library resources can often have UD built into their design. For instance, instant messaging services such as OCLC's QuestionPoint can benefit students on the autistic spectrum who might feel more comfortable chatting with a librarian than approaching a reference desk. Some disability software may also have a UD component that benefit auditory learners, bilingual students, or remedial students without a documented disability. In conclusion, accessibility needs to be priority within libraries at many different stages, from planning projects to acquiring new resources.

Background

CSI Library Concerns

The CSI library, part of the City University of New York (CUNY), supports a large public academic setting with a student population over 14,000 students. With a comprehensive curriculum ranging from associates to doctoral students, we see a range of students attending the college, from the traditional to the nontraditional, older student. CSI also has one of the largest populations of disabled students in CUNY, with over 600 registered for its Center for Student Accessibility. In 2015, it became obvious to the author that electronic resources acquired by the library itself or through CUNY were not systematically being checked for accessibility prior to purchase. A review of the literature brought about library organizations that developed standards for purchasing and collection development practices. This led to the following statement being added to the library's new collection development policy in 2015:

. . . In the development and/or the procurement of online resources, the library will consider resources that are accessible and useable to all. Collection development decision-making will collect accessibility documentation from vendors (e.g., using the VPAT or voluntary product accessibility template), examine the product's usability with assistive technology, and consider accessible alternatives. Inaccessible resources or issues can be brought to the attention of the Library's collection development (CD) committee and/or the library liaison to the Center for Student Accessibility.

This was first step in the library's commitment to this issue. By stating that any accessibility issue could be brought before the CD committee and or to the librarian liaison to the Center for Student Accessibility, we recognized that this would be a product by product accessibility determination, and we could not, at that time, make a blanketed statement as to its resolution. We are still in the process of systemically determining the next steps, in a fair and equitable manner, of what will happen when a product is found to have an accessibility issue.

Fast forward to 2016, CUNY's chancellor appointed an accessibility task force of members from across all campuses and departments. In the spring of 2016, CUNY's IT accessibility statement was issued below (IT Accessibility, 2016).

. . . all of the University's electronic and information technologies must be accessible to all individuals who wish to access them, and accessibility must be addressed in connection with the procurement, development, implementation, and ongoing maintenance for all existing and new electronic and information technology acquisitions.

It immediately became a concern to CUNY libraries regarding how to fulfill this obligation, which would be a major undertaking considering each library has hundreds of digital resources. It has since been understood that this undertaking will take time to accomplish but that library departments need to begin somewhere. CUNY also issued helpful best workflow practices to ensure accessible procurement. They suggest inserting accessibility language into all requests for information (RFIs), request for qualifications (RFQs), request for

proposals (RFPs), and contracts; requesting a statement of accessibility or a VPAT from the vendor; asking the developer if the product has been tested by users with various disabilities; and to request a product accessibility evaluation from the college's disability services office or CUNY assistive technology services. The last suggestion brought about a question regarding the level of involvement other departments would have in library purchasing decisions. In sum, the CSI library decided to start requesting VPAT statements from its vendors and to save them in CORAL, a pre-existing open source ER management tool the library already populated.

CSI-CUNY Electronic Resources

CUNY's Office of Library Services (OLS) supports over 31 CUNY Libraries across the university's 24 campuses and 100+ research centers and institutes. Due to the variety of programs across all campuses, each CUNY library subscribes to its own unique selection of electronic resources (ER), with some being part of small CUNY library group deals and others being paid fully or partially by CUNY, who also negotiates their licensing terms. If an individual library is subscribing to its own resource, libraries can still share licensing terms with each other, which have to be reviewed by CUNY legal. As stated, accessibility terms should be negotiated as part of any new procurement process.

The CSI library currently spends $500,000 annually on electronic resources versus CUNY's Office of Library Service's (OLS) $15.6 million. It has 57 databases it subscribes to directly versus over 100 subscribed to by OLS. OLS further has around 70 platforms, participates in two consortia, and has signed around 64 licenses. In contrast, CSI has 24 active platform subscriptions, three consortia memberships outside of CUNY, and eight signed licenses. Both have separately downloaded CORAL for their own use onto their library servers. For CUNY, the objective for CORAL was to create a repository for licenses across CUNY, although the CSI library utilized it not only for new licenses but to collect information about its vendors.

VPAT Repository Project

In 2014 and 2015, CORAL was populated with vendor or organization information, data regarding our electronic resource products, and recent licenses signed, in a separate project. The next step was to populate it with VPAT documentation and any accessibility information gathered. VPATs were collected from contacting vendors directly, from their websites, or from organizations such as Libraries for Universal Accessibility that have created a VPAT repository. Some vendors, especially small nonacademic companies, may not have a VPAT, but it could be requested that their product developer fill out a blank VPAT. Standard VPAT forms can be found through the Information Technology Industry Council at ITIC.org. A generic accessibility statement by vendors is not adequate to determine a product's accessibility, although it does show their commitment to the process. Likewise, a library should not rely solely on VPAT statements, which are tantamount to claims about a product, but should also check into these claims through user testing. This part of the evaluation will be a much more labor-intensive process.

At the end of an initial segment of this project, a third of all CSI library databases subscribed to directly had VPATs loaded alongside any new licensing agreements. An example of the workflow process follows utilizing Kanopy streaming video; the sales manager was contacted by the acquisitions librarian requesting a VPAT and/or accessibility statement. Kanopy sent back a URL to their accessibility webpage, which also included a link to its completed VPAT. It was added in as an attachment under CORAL's resources module. We also added in under contacts an e-mail to Kanopy's customer service, when we discovered that Kanopy will close caption any video within 24 hours upon request. We also discovered an accessibility statement on its website and navigation aids to its fully accessible GEN video players. Although not all Kanopy's videos are currently closed captioned, it is committed to close captioning each video within its collection. This later information would not have been found on a VPAT but only through a dialogue with the vendor directly, which is why accessibility checklists are important. Another product, Gale's Opposing Viewpoints, likewise provided an e-mail directly to the Cengage accessibility team. One of the best vendor VPAT websites we found was ProQuest, which provides an easy-to-access online VPAT directory for most of its products.

Other issues we had with collecting VPATs were primarily with large journal publishers. Many times, their content is hosted on platforms hosted by third party. For example, Atypon is in charge of online

publishing for most major academic publishers. Customers include Elsevier, the American Chemical Society, the University of Chicago Press, SAGE, IEEE, and Taylor & Francis, to name a few. Since we are evaluating the platform, it is the publishers or Atypon's responsibility to complete the VPAT? We would assume the former, but you can see the complexity of the situation. Also, when it comes to aggregate publishers who combine content from multiple sources, they might not have as much control over whether scientific content such as charts, graphs, or images are accessible, according to one publisher. One thing to look out for is to see if the PDFs provided have optical character recognition (OCR), so it can be read by a screen-reader. One way to test for this is by trying to highlight and copy a word in the PDF. If the PDF is an image without OCR technology, this cannot be done. This technology is also an example of UD that can benefit many different patrons.

Although VPAT statements can be a helpful start when evaluating e-resources for their accessibility features, they can be difficult to understand. A completed VPAT has vendor contact information, and the columns can be explained as (left) criteria, (middle) supporting features, and (right) remarks and explanations. Look to see if Section 1194.31 is filled out, since it focuses on the functional performance of the product. Other applicable sections for librarians are 1194.21 for local software, 1194.22 for web content, and 1194.41c to see if a vendor will provide technical support for their product. California State University (CSU) has under its procurement process webpages a helpful, in-depth review of each section of a VPAT. WCAG 2.0 also has three levels of conformance to 508 standards and are defined as A (lowest), AA (medium), and AAA (highest). Most library products are expected to fall into a level AA compliance. If a product fails these standards based on its VPAT responses, then consider drawing up an Equally Effective Alternate Access Plan (EEAAP). This document explores whether a product can be fixed by the vendor or whether there are any alternative solutions or workarounds.

Future Considerations and Conclusion

The process was enlightening, but the CSI library determined it would be ideal to come up with a comprehensive rating system to determine appropriate decision making in regard to the accessibility of e-resources. For example, some type of workable formula or algorithm to help determine if cancellation is needed if a resource is not fully accessible based on gathering and analyzing VPATs, accessibility checklists, and testing the product. Issues in the future with collecting VPAT statements were identified as the changeability of platforms and new emerging technologies, which makes the collection of VPATs an ongoing process. It has been suggested to continue updating VPATs at the time of product renewals and to prioritize collecting them when acquiring a new product. In the meantime, VPATs can help re-evaluate older products so we can use this information in contract renegotiations, determine alternative workarounds, or explore competing products that might be more accessible.

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