

Endnotes

- 1 A print-disabled person is someone who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability. Print is a proxy for textual “information” in the research library environment, as research libraries collect in all formats for teaching, research, and learning.
- 2 The Library Copyright Alliance (LCA) consists of three major library associations—the American Library Association, the Association of Research Libraries, and the Association of College and Research Libraries. These three associations collectively represent over 300,000 information professionals and thousands of libraries of all kinds throughout the United States and Canada. These three associations cooperate in the LCA to address copyright issues that affect libraries and their patrons. The purpose of the LCA is to work toward a unified voice and common strategy for the library community in responding to and developing proposals to amend national and international copyright law and policy for the digital environment. The LCA’s mission is to foster global access and fair use of information for creativity, research, and education.
- 3 “Joint ‘Dear Colleague’ Letter: Electronic Book Readers,” DOJ and ED to College or University President, June 29, 2010, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html>.
- 4 Legislative Summary of Bill C-11: An Act to Amend the Copyright Act, Library of Parliament Research Publication 41-1-C11E, Parliament of Canada, rev. April 20, 2012, <http://bit.ly/Tr73LN>.
- 5 “Inclusion Promotes Innovation,” Jutta Treviranus, *Toronto Star*, Sept. 12, 2007, <http://www.thestar.com/printArticle/255521>.
- 6 “National Library Service: That All May Read: History,” Library of Congress, Sept. 17, 2012, http://www.loc.gov/nls/about_history.html.
- 7 In 1917, the name was changed to the Canadian National Library for the Blind, and in 1919 it became the Library and Publishing Department of the Canadian National Institute for the Blind.
- 8 Joseph W. Madaus, “The History of Disability Services in Higher Education,” *New Directions for Higher Education*, no. 154 (Summer 2011): 5–15.
- 9 In 1975, Congress passed the Education for All Handicapped Children Act of 1975 (PL 94–142), now called the Individuals with Disabilities Education Act (IDEA).
- 10 “An Open Letter on Accessibility from Research University Presidents,” to President William J. Clinton, International Center for Disability Resources on the Internet, Sept. 20, 2000, http://www.icdri.org/DD/dd_universitystudy_letter_sen.htm.
- 11 Brian Wentz, Paul T. Jaeger, and Jonathan Lazar, “Retrofitting Accessibility: The Legal Inequality of After-the-Fact Online Access for Persons with Disabilities in the United States,” *First Monday*,

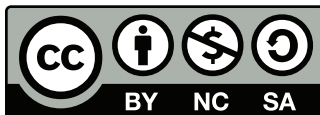
- 16 no. 11 (Nov. 7, 2011), <http://firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/3666/3077>.
- 12 Government Accountability Office, *Higher Education and Disability: Education Needs a Coordinated Approach to Improve its Assistance to Schools in Supporting Students*, report GA-10-33 (Washington, DC: GAO, Oct. 2009), <http://www.gao.gov/new.items/d1033.pdf>.
- 13 "Participation and Activity Limitation Survey: Education Experiences of Children with Disabilities," Statistics Canada, May 27, 2008, <http://www.statcan.gc.ca/daily-quotidien/080527/dq080527a-eng.htm>.
- 14 Reading Rights Coalition, <http://www.readingrights.org/>.
- 15 "Vision Loss from Eye Diseases Will Increase as Americans Age," press release, National Eye Institute, National Institutes of Health, April 12, 2004, <http://www.nei.nih.gov/news/pressreleases/041204.asp>.
- 16 "Making Museums and Libraries More Accessible," Institute of Museum and Library Services, Feb. 8, 2011, <http://www.ims.gov/assets/1/AssetManager/Making%20MusLibAccessible.pdf>.
- 17 There have been two recent challenges to public library practices. The Department of Justice entered into a settlement agreement between the United States, the National Federation of the Blind (NFB), and the Sacramento (CA) Public Library Authority (August 28, 2012). The agreement found that the library's deployment of inaccessible e-readers violated Title II of the ADA. The library may no longer acquire non-accessible e-readers, is required to purchase accessible devices, and in the near future load these with content substantially equivalent to that on the inaccessible e-readers already in circulation and more. In May 2012, four blind patrons of the Free Library of Philadelphia, with the assistance of the NFB, filed suit against the library for providing inaccessible e-readers. The lawsuit has been resolved and the terms of the settlement call for the library to acquire 10 accessible e-readers to supplement the devices it has already purchased, and within four years to use only accessible e-reading devices. Finally, the library will include an accessibility requirement in its technology procurement contracts.
- 18 ADA Settlements and Consent Agreements, US Department of Justice, <http://www.ada.gov/settlemt.htm>.
- 19 Ibid.
- 20 Ibid.
- 21 "Dear Colleague Letter," Office for Civil Rights, US Department of Education, May 26, 2011, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201105-pse.html>.
- 22 "University of Montana Students with Disabilities File Complaint over Inaccessible Online Course Components" Global Accessibility News, Sept. 18, 2012, <http://globalaccessibilitynews>.

- [com/2012/09/18/university-of-montana-students-with-disabilities-file-complaint-over-inaccessible-online-course-components/](http://www.net.educause.edu/ir/library/pdf/EPO1213/NFBE-Text%20Sponsors9-12-12.pdf).
- 23 “Settlement between Penn State University and National Federation of the Blind,” Pennsylvania State University, <http://accessibility.psu.edu/nfbpsusettlement>.
- 24 “Joint ‘Dear Colleague’ Letter: Electronic Book Readers,” DOJ and ED to College or University President, June 29, 2010, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html>.
- 25 Ibid.
- 26 Ibid.
- 27 “Electronic Book Reader Dear Colleague Letter: Questions and Answers about the Law, the Technology, and the Population Affected,” Office for Civil Rights, US Department of Education, <http://www2.ed.gov/about/offices/list/ocr/docs/504-qa-20100629.html>.
- 28 Letter from Marc Maurer to Messrs. Lambert, Levitan, Waterhouse, and Dr. Oblinger, Sept. 12, 2012, <http://net.educause.edu/ir/library/pdf/EPO1213/NFBE-Text%20Sponsors9-12-12.pdf>.
- 29 Letter from H. David Lambert and Diana G. Oblinger to Marc Maurer, Sept. 17, 2012, <http://net.educause.edu/ir/library/pdf/EPO1213/Lambert-OblingerNFB%209-17-12.pdf>.
- 30 *Report of the Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities* (Washington, DC: The Commission, Dec. 2011), http://aim.cast.org/collaborate/p-s_commission.
- 31 The Chafee Amendment is named after Senator John Chafee of Rhode Island, who long championed the rights of the print disabled. For the text of the amendment, see <http://www.copyright.gov/title17/92chap1.html#121>.
- 32 *The Authors Guild, Inc. v. HathiTrust*, No. 11-CV-6351 (HB), slip op. at 22-23 (S.D.N.Y. Oct. 10, 2012).
- 33 More information on these organizations can be found at: <http://www.loc.gov/nls/>; <http://www.learningally.org/>; <http://nfb.org/libraries-for-the-blind>; <https://www.bookshare.org/>; <http://www.aph.org/>.
- 34 17 U.S.C. § 110(8), <http://www.copyright.gov/title17/92chap1.html#110>.
- 35 17 U.S.C. § 107, <http://www.copyright.gov/title17/92chap1.html#107>.
- 36 Association of Research Libraries; Center for Social Media, School of Communication, American University; Program on Information Justice and Intellectual Property, Washington College of Law, American University; *Code of Best Practices in Fair Use for Academic and Research Libraries* (Washington, DC: ARL, Jan. 2012), <http://www.arl.org/pp/ppcopyright/codefairuse/index.shtml>.
- 37 *HathiTrust* at 22.
- 38 Page 1, Defendant Intervenors’ Memorandum of Law in Support of Motion for Summary Judgment.

- 39 The court cited the LCA brief in support of this finding.
- 40 Documents for WIPO Standing Committee on Copyright and Related Rights: Twenty-Fifth Session, Nov. 19–23, 2012, Geneva, Switzerland, http://www.wipo.int/meetings/en/topic.jsp?group_id=62.
- 41 Legislative Summary of Bill C-11: An Act to Amend the Copyright Act, Library of Parliament Research Publication 41-1-C11E, Parliament of Canada, rev. April 20, 2012, <http://bit.ly/Tr73LN>.
- 42 Ibid.
- 43 Ibid.
- 44 “Statement of Mark Turner, Director, Center for Accessible Media, California State University, Before the Senate Committee on Health, Education, Labor and Pensions, “The Promise of Accessible Technology,” Feb. 7, 2012, <http://www.help.senate.gov/imo/media/doc/Turner3.pdf>.
- 45 Current law requires that those places of public accommodation that have a physical presence must make services, such as websites, publicly accessible.
- 46 Suzanne M. Brown and LeiLani Freund, *Services for Users with Disabilities*, SPEC Kit 321 (Washington, DC: ARL, Dec. 2010), <http://publications.arl.org/Services-for-Users-with-Disabilities-SPEC-Kit-321/>.
- 47 Chris Danielsen, “Design and Public Policy Considerations for Accessible E-book Readers,” *Interactions* 18, issue 1 (2011), 68.
- 48 Kelly Dermody and Norda Majekodunmi, “Online Databases and the Research Experience for University Students with Print Disabilities,” *Library Hi Tech* 29 no. 1 (2011), 149-160, <http://www.hari.pitt.edu/Portals/0/Dermody%202011.pdf>.
- 49 Jutta Treviranus et al., “Levering Inclusion and Diversity as Canada’s Digital Advantage,” Inclusive Design Research Centre, OCAD University, <http://idrc.ocad.ca/index.php/resources/idrc-online/49-articles-and-papers/453-leveraging-inclusion-and-diversity-as-canadas-digital-advantage>.
- 50 Wentz, Jaeger, and Lazar, “Retrofitting Accessibility.”
- 51 Treviranus, “Inclusion Promotes Innovation.”
- 52 “IBM’s Focus on Accessibility,” IBM, http://www-03.ibm.com/able/product_accessibility/ibmcommitment.html.
- 53 “An Open Letter on Accessibility from Research University Presidents,” to President William J. Clinton, International Center for Disability Resources on the Internet, Sept. 20, 2000. http://www.icdri.org/DD/dd_universitystudy_letter_sen.htm.
- 54 Kelly A. Harper and Jamie DeWaters, “A Quest for Website Accessibility in Higher Education Institutions,” *Internet and Higher Education* 11 (2008), 160–164.
- 55 Wentz, Jaeger, and Lazar, “Retrofitting Accessibility.”

- 56 "University of Montana Students with Disabilities File Complaint," Global Accessibility News.
- 57 "Justice Department Releases a Report on Accessibility of Federal Government Electronic and Information Technology" Sept. 12, 2012, <http://www.justice.gov/opa/pr/2012/September/12-crt-1103.html>.
- 58 Ibid.
- 59 David Rose, et al., "Universal Design for Learning in Postsecondary Education," National Center on Universal Design for Learning, p. 2, http://www.udlcenter.org/resource_library/articles/udl_postsecondary_ed.
- 60 "A Letter from Dr. Marc Maurer to All Librarians," National Federation of the Blind, July 29, 2011, <http://www.nfb.org/a-letter-from-dr-marc-maurer-to-all-librarians>.
- 61 Dermody and Majekodunmi, "Online Databases and the Research Experience," 158.
- 62 "Web Content Accessibility Guidelines (WCAG) 2.0," World Wide Web Consortium, Dec. 11, 2008, <http://www.w3.org/TR/WCAG/>.

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