

ADA/Section 504 Committee Meeting Minutes
March 21, 2018 2:00 p.m. – 3:00 p.m.
Forrest County Hall (FCH) Room 301

Attendees:

Chair Ex Officio	Marks Elder	Disability Accommodations
Vice Chair Ex Officio	Scott Dossett	Disability Accommodations
Secretary Ex Officio	Elizabeth Killinger	Disability Accommodations
Ex Officio	Sarah Hill	Physical Plant
Ex Officio	Clint Atkins	Safety Officer
Voting Member	Ryan Leonard	Athletics
Voting Member	Scott Blackwell	Housing & Residence Life
Voting Member	Jennifer Hatten	Parking Management
Voting Member	Randy Stogner	iTech (Web Development)
Voting Member	Brian Soule	iTech (Public Computer Labs)
Voting Member	Jim Coll	University Communications
Voting Member	Susan Rayborn	Office of Online Learning
Voting Member	Jennifer Lewis	Legal Counsel
Voting Member	Laurie Benvenuto	Admissions
Voting Member	Lisa Wright	Moffitt Health Center
Voting Member	Richard Ladner	Coast Staff/Disability Accommodations
Voting Member	Holly Syrdal	College of Business/Faculty
Voting Member	Emily Stanbach	College of Arts & Letters/Faculty
Guest	Naomi Clement	Admissions

Meeting called to order at 2:05pm

- I. Mission Statement: The mission of this committee is to increase disability awareness in an outreach, grass-roots manner; provide feedback to the Office for Disability Accommodations (ODA); offer ideas on ways to increase disability training opportunities and disseminate information about ODA, ADA, and disabilities.
- II. Minutes from November 10, 2016 meeting
 - A. Audio recorder is used to record minutes.

- B. Please see printed handout; also available on the ODA website
(usm.edu/oda/adasection-504-committee)

III. Business Items

A. Member Rotation Schedule (Begins July 1, 2018)

1. Matthew Quinn (Counseling Center)
 - i. Wishes to stay on for another 3-year term
2. Jennifer Hatten (Parking Management)
 - i. Belinda Patterson beginning in FY18 will serve as Parking Management's representation
3. Susan Rayborn (Online Learning)
 - i. Wishes to stay on for another 3-year term
4. Joann Johnson (Research, Centers and Institutes)
 - i. Wishes to stay on for another 3-year term
5. Nancy Bounds (College of Science and Technology)
 - i. Has retired; Susan Howell from the Math department starting at this meeting will be serving as the College of Science and Technology's representation
6. Marks Elder (Committee Chair)
 - i. Chairman term ends at the end of this FY
 - ii. Will be replaced by Scott Blackwell of the Department of Housing and Residence Life starting FY18; Scott Blackwell's term will end in FY20
7. If you would like to know your term schedule, please ask Elizabeth Killinger for an update outside of our meeting

B. Bylaw Amendment regarding terms or member rotation

1. Currently the bylaws state that members can only serve for two 3-year terms.
2. People often want to stay on – so Marks proposed that we amend the bylaws.
3. New wording will be proposed that state that exceptions may be made for some departments who want long-term members, but essentially that the ADA Committee would like representation from all the current university areas and we would prefer a 3-year term as minimum time served.

C. New Members

1. Belinda Patterson (Parking Management)

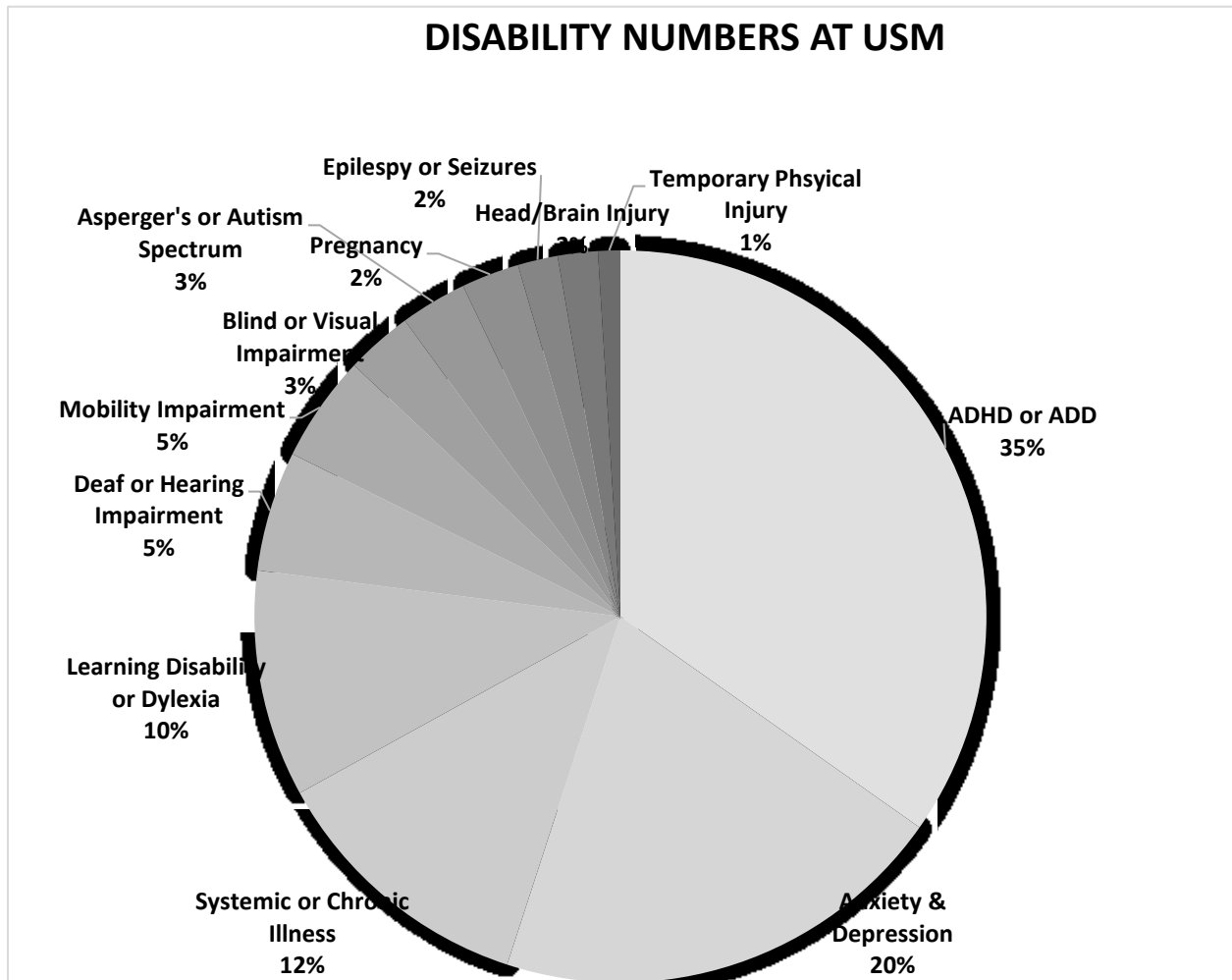
2. Lisa Wright (Moffitt Health Center)
3. Laurie Benvenuti (Admissions)
4. Susan Howell (College of Science and Technology)
5. Ashley Glenn (Student Representative)
6. Emily Rash (Student Representative)

D. Recommendations for student representatives?

1. Melissa Vega recommended by Sarah Hill.

E. ODA Report

1. Scott Dossett reported on the current number of students registered with ODA, which as of today is 517 students. There is a growing demand for services.
2. Current ODA stats by disability type:



3. Recent events ODA has been present for, as reported by Elizabeth Killinger:
 - i. USM Cultural Fair on November 15, 2017
 - ii. Honors Day on November 17, 2017
 - iii. Commencement on December 8, 2017
 - iv. International Student Orientation on January 10, 2018
 - v. Spring Orientation on January 11, 2018
 - vi. Jones County Junior College toured ODA and demoed our AIM database system on February 14, 2018
 - vii. Presentation, by Scott Dossett, at the USM Center for Military Veterans on February 15, 2018
 - viii. Spring Transfer Visit day on March 2, 2018
4. Upcoming Events for ODA
 - i. Scott Dossett will be speaking as a guest at the March Council of Chairs meeting on Friday, March 23, 2018
 - ii. Alive! Mental Health Resource Fair on Tuesday, March 27, 2018 at Centennial Lawn from 10 a.m. to 2 p.m.
 - iii. Commencement on Friday, May 11, 2018
 - iv. Summer and Fall Orientations starting Monday, May 21, 2018

F. Updates

1. Campus Construction and Physical Access
 - i. Access issue for graduate student in Performing Arts Building – being looked into by Marks Elder
 - ii. Thad Cochran Bathrooms – proceeding forward per Sarah Hill
 - iii. Joseph Greene Hall – on time per Sarah Hill
 - iv. Alumni Pavilion in Spirit Park – in the process of being revised per Sarah Hill
 - v. Sidewalks – Hillcrest and Payne Center – in the process of being completed (per notes from Physical Access Meeting 2 weeks ago)
 - vi. Fall 2018 accepted students will attend Admissions event this upcoming Saturday. It will take place across campus and outside at Pride Field and Spirit Park. Marks Elder helped Admissions review the physical access

issues that might take place – reported on by Marks Elder and Laurie Benvenuti.

2. Web and Technology Access

- i. Reauthorization law changes with the Accessible Instructional Materials Bill (AIM HIGH Act) – update from Jennifer Lewis.
 1. LMS, online research, websites, and digital content – all mentioned.
 2. Will directly affect funding and authorization.
 3. In the house, needs to be passed by the House and the Senate by June 2018. This bill probably won't go through. It hasn't been reauthorized since 2008 and started in 2002. It continues to crop up and will eventually pass.
 4. The standards that we will have to adhere to are unknown.
 5. The longer version of these notes can be found at the end of these notes.
- ii. Ongoing Web Upgrade – update from Jim Coll
 1. From a broad perspective – all of the undergraduate degree program pages and top level pages of the website.
 2. RPF is in process to get vendor assistance to upgrade the rest of the site. New positions for personnel at University Communications. A Content Analyst position will be working directly with web accessibility.
 3. By Site Improve stats, we are above the average for site accessibility as is.
 4. University Communications and iTech are working together to determine the value and what pages are worth moving to the new website – reducing the number of pages overall.
 5. No timeline for when other pages will be updated or if they will stay with Drupal 8. Academic pages are priority because the reorganization.
- iii. Starfish is dead
- iv. Quality Matters – update from Susan Rayburn

1. The university is working with Quality Matters to make online courses to universally designed and accessible.
2. Funding is available for faculty to get certified.
- v. SmarterProctor – update from Susan Rayburn
 1. New this semester (Spring 2018)
 2. Text to speech capability
 3. Option for students – out or state or alternative to in-person proctoring
 4. All students have to pay fee for this proctoring.
- vi. Graduate School Orientations will now all be online through Canvas courses
 1. Resources like iTech, Online Learning, Title IX and ODA will submit PowerPoint slides for incoming graduate students to review in place of an in-person orientation
- vii. Joe Paul Theatre is on time for completion and will be used this summer; Brent Sutphin of Student Affairs Event Services is working with ODA to ensure electronic access

3. ADA Training

- i. ODA is working with the Faculty Development Center to possibly provide some instructor workshops
- ii. New Faculty/Staff FAQ available on ODA website
usm.edu/oda > Faculty/Staff > Faculty/Staff FAQ
 (www.usm.edu/oda/facultystaff-frequently-asked-questions-faq)

G. New Business?

1. Sarah Hill: A blind student was sited walking along 4th Street to class frequently. Employees of Physical Plant that brought this to Sarah Hill's attention are worried that since the crossing signal light at the corner of 4th Street and Golden Eagle Avenue does not have audio signaling that it is unsafe for this student.
2. Sarah Hill: wants to work on getting an audio signal added to that crosswalk.
3. Scott Dossett: he is going to check to confirm if the student is living off campus.

IV. Next Meeting: Fall 2018

A. How does everyone feel about the new meeting location and time of day?

a. Love the new location – it's accessible.

b. The time works. Elizabeth Killinger will send out a doodle poll for the Fall 2018 meeting.

B. Meeting date and time for our FALL 2018 meeting will be announced at a later date.

Appendix A

1. Reauthorization regarding the Accessible Instructional Materials Bill

Prepared by Jennifer S. Lewis, Compliance Coordinator

SHORT SUMMARY: This bill represents a means of establishing voluntary guidelines to improve the use of accessible instructional materials and related information technology to make such materials accessible by those who have a “print disability” (NFFB, 2018a).

The National Federation for the Blind specifically references “university websites, digital books, PDFs, learning management systems, lab software and online research journals” (NFFB, 2018b). This Act provides a means of telling higher education how to accommodate students in the ever-increasing digital world thereby avoiding the lawsuits that have been filed in recent years (NFFB, 2018b). Examples of the types of inaccessible materials that are being used include “centralized learning platforms (virtual class rooms)” that do not function with screen readers, inaccessible electronic texts (Nelson, 2016).

Goal of AIM is to move from making things accessible as needed to making all things accessible by clearly setting out what is required to make instructional materials accessible (NFFB, 2018b). It does not override or restrict ADA, the Rehab Act or other such regulations (NFFB, 2018b). Rather, it creates another path to complying.

This information will be provided to the administration for their consideration. To whatever degree we are not in adherence with making such materials and technology accessible, the institution will have to determine whether we will: 1) become compliant; 2) comply with the voluntary guidelines in their entirety; 3) write out memos to indicate why we cannot become compliant with the guidelines as we move forward with the adoption of non-compliant materials and technology as a way of preventing us from having damages lodged against us for not being in compliance with the ADA, Section 504, etc.

DETAILED OVERVIEW:

CURRENT LEGAL REQUIREMENTS:

Title II and Title III of the ADA and Section 504 of the Rehabilitation Act (both of which require equal access to students with disabilities); moreover, Section 508 requires “federal executive branch agencies only spend funds on electronic information technology” accessible to those

who are disabled (National Federation for the Blind, 2018b; Nelson, 2016).

HISTORY OF THE BILL:

Act was part of the 2002 Teach Act (Technology, Education and Copyright Harmonization Act) and the 2013 TEACH (Technology, Equality and Accessibility in College and Higher Ed Act (2013) (Fansmith & Cummings, 2015).

In 2017, the House added AIM to their Promoting Real Opportunity Success Prosperity through Education Reform (PROSPER) Act, which will if passed serve as the reauthorization of the Higher Education Act, an Act that has not been updated since 2008 and represents the primary law relative to postsecondary education, including financial aid.

STAKEHOLDERS DRAFTING ACT:

- EDUCAUSE
 - Organization comprised of higher education institutions and companies that serve them
- National Federation of the Blind
- Association of American Publishers (AAP)
 - Four hundred member publishing organization
- Software and Information Industry Association (SIIA)
 - Principal trade association for the software and digital content industry and
- American Council on Education (ACE)
 - Represent the presidents of U.S. accredited degree-granting institutions

COMMITTEE:

If the bill passes, a committee will be formed. The committee will be comprised of members from the disability, higher education, and content/technology provider communities.

COMMITTEE RESPONSIBILITIES:

The committee would be responsible for creating “voluntary” accessibility guidelines for “electronic instructional materials and related technologies”: this will include a list of IT

standards that must be updated every five years.

STANDARD SETTING:

After reviewing both national and international standards pertaining to digital learning resources and technologies that relate to print disabilities, the Commission will identify gaps relative to pedagogical and accessibility issues specific to higher ed. Then the committee will define both criteria and recommendation to bridge such gaps through recommended actions.

If the committee identifies areas for which the Commission cannot determine ways to bridge the gap due to technical limitations or challenges of a specific type of disability, the Commission would create a list of standards with notes to explain their relevance and potential applicability in higher education settings. The list could be used voluntarily as a resource to further continuous improvement in IT accessibility, i.e. that organizations and vendors could use to develop solutions to ongoing concerns (Cummings, 2018). 75% of the committee must vote to approve the guidelines (Fansmith & Cummings, 2015).

IMPACT ON HIGHER EDUCATION: Two safe harbors are created: Those adhere to these voluntary guidelines would be safe harbored or considered in compliance with the ADA and Section 504 of the Rehab Act relative to the materials and technologies addressed by the Act (Cummings, 2018).

Those institutions who documented that they considered the guidelines but choose to purchase non-conforming materials/technologies, would obtain a partial safe harbor in that their liability in ADA/504 litigation would be limited to the costs of becoming compliant and legal fees for the plaintiff (Cummings, 2018). There are differences in the House and Senate versions of PROSPER that will have to be reconciled, and it is expected that further action by the Senate will occur this spring.

TIMEFRAME FOR ACTION: If the PROSPER Act passes, the Commission would have eighteen months to pass the guidelines, but could use a 6 month extension if needed (Fansmith & Cummings, 2015). To pass, PROSPER must first pass the House, which it has not yet done. Then go to the Senate and their committee; and then go to the President for his signature. All of this has to happen before the Summer of 2018, i.e. the end of the legislative session or it is likely to ever become law (Tomar, 2018). If it passes by June, it would likely be June, 2020

before they issue guidelines. As an institution, we would have to determine whether we will comply with the voluntary guidelines or if we will write a business case indicating why we cannot do so as we move forward with implementing non-conforming materials, which would have to be done for each project that does not adhere to the voluntary guidelines as a means of limiting our liability, i.e. avoid a fine.

IMPACT ON COPYRIGHT INFRINGEMENT:

The Act changes the obligation institutions have relative to protecting copyrights. Currently, institutions demonstrate their commitment to preventing copyright infringement by developing a plan to combat it and offering alternatives; but if PROSPER passes, institutions would only be required to promulgate a policy against copyright infringement.

POTENTIAL FOR PASSAGE:

Notably, the current bill is very partisan (Republican leaning) and has been deemed anti-student based on each of the following: deregulation of for-profits, makes competency-based education programs (i.e. those looking at mastery of a skill rather than credit hours) eligible for Title IV funding, including Pell Grants, eliminates in-school interest subsidy for undergraduate students, consolidates lending to one loan (Federal One Loan program as consolidation of Stafford and PLUS loans), one grant (Pell), and one work study program thereby also eliminating Public Service Loan Forgiveness Program. There are also some protections for students in terms of “mandatory staffing of alcohol and drug counseling personnel at postsecondary institutions” including a focus on opioid addiction, requirement for an annual report on child care resources for students, annual training on sexual harassment and assault case adjudication, makes accreditors responsible for setting standards on how to evaluate institutions (instead of the DOE), eliminates the ability for students to see information on school performance by ending the Higher Education Ratings System, banning the unit-record system (database on college performance) and implements the less effective College Dashboard to replace the College Navigator site (Tomar, 2018).

Once the bill reaches the Senate, they would likely remove or dilute some of these measures as too pro big business and anti-student thereby making it likely to pass (Tomar, 2018). Since no real contention has arisen about AIM, AIM is likely to stand as written.

References:

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