

**"I Didn't Catch What You Said"  
Captioning Videos for  
Accommodations and  
Accessibility**

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## Objectives

**By the end of this session, you should be able to:**

- Define the basics of captions and the captioning process.
- Understand the legal requirements for captioning at Charlotte.
- Differentiate between captions as an accommodation and as a form of accessibility.
- Recognize captioned media as a component of Universal Design.

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## What are Captions?

- Words shown on a video, television or computer monitor that show what is being said, and what sounds occur, in the program.
- Real-time (live) or added in post-production.
- Professional or machine generated.
- **"Open"** (visible whenever the program is shown) or **"closed"**.



Syracuse.com




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## Poll Question #1

How Often Do You View Video Content with Captions Turned On?

- 1) Always
- 2) Most of the time
- 3) Occasionally
- 4) Never

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## How are captions produced?

### Professional Captions

- Created by humans, accuracy standard is 97-99%.
- Majority created in post-production.
- **Live, professional** captioning services are usually an **individual accommodation**.
- There are various ways to create professional captions **post-production**.

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## How are captions produced? (continued)

### Machine Captions

- Created by software using speech recognition technology; accuracy standard varies.
- Can be created live or post-production.
- Are commonly used on YouTube and are available on Canvas.
- Easier and faster but must be edited for accuracy in post-production.

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## Legal Obligations



### ADA

The ADA prohibits discrimination and ensures equal opportunities for persons with disabilities. Title II applies to publicly-funded universities, community colleges & vocational schools. Title III applies to private colleges and universities. Accurate closed captions are required to ensure effective communication with students with disabilities

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## Legal Obligations (continued)



### Section 504

Section 504 of the Rehabilitation Act prohibits discrimination against persons with disabilities by any federal or federally funded entity. Any colleges or universities that receive federal financial assistance are subject to Section 504 and must provide accurate closed captions on all educational video.

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## Legal Obligations (continued)



### Section 508

Section 508 sets standards for electronic and information technology used by Federal agencies. State universities are subject to 508 requirements if their state has adopted them into law or they receive Federal funds under the Assistive Technology Act. Section 508 requires accurate closed captions for all audio and video.

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 **Legal Obligations** (continued)



**WCAG 2.0**

WCAG are international guidelines for websites & web content developed by the World Wide Web Consortium (W3C). WCAG forms the basis of many federal & state accessibility laws. Most organizations strive to meet Level AA Conformance. The DOJ is currently holding public & private universities to this standard.

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 **CAPTIONED CONTENT - LEGAL CASE**

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 **Case**

- Harvard and MIT make thousands of video and audio track publically available for free to anyone with an internet connection.
- 2012 - edX, Inc., is created through a joint partnership between Harvard and MIT to provide the technology platform for select universities to develop and offer online content to the general public. (MOOC's\*)
- 2015 - National Association for the Deaf (NAD) and three of its members file separate complaints against both universities asking the court for declaratory and injunctive relief alleging violations of Section 504 and the ADA.

\* Massive Online Open Courses

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**Timeline**

- February 2015 - Nat'l Assoc. for the Deaf (NAD) files separate but identical complaints against Harvard and MIT.
- NAD alleges that both universities were in violation Section 504 and the ADA.
- Failure to provide equal, effective and timely access to people who are deaf or hard of hearing because the online content lacked closed captions.
- Content was either "not captioned or captioned inaccurately or unintelligibly."
- NAD argued that 1 in 5 Americans would be unable to access the free online content.

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**Timeline**

- 2015 – Both Harvard and MIT move to dismiss the cases.
- 2016 – Judge denies motions to dismiss and affirms the digital communication rights of the deaf and hard of hearing.
- 2018 - Harvard and MIT move to dismiss again.
- 2019 – Judge reaffirms that Harvard and MIT digital content was covered by ADA and Section 504.
- Held that universities were immune from claims relating to content developed by third-parties and embedded on their websites.

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**Settlement Agreements**

- Must use industry standard live captions for university-wide events.
- Process for the general public to submit a captioning request.
- Develop "University Policy" and post prominently.
- New video and audio produced after December 1, 2019 requires captions
- Video and audio produced prior to December 1, 2019 must be captioned within five (5) business days upon receipt of a request from a person who is unable to access the content.

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### Settlement Agreements (continued)

- Must caption legacy MOOC content with two (2) years.
- Required training for Harvard and MIT communities on captioning video and audio.
- Payment of Plaintiff's attorneys fees:
  - Harvard - \$1,575,000
  - MIT - \$1,050,000

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Student said, "...on our campus..." It was transcribed as though she said, "hot Campen good."

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***"Just as buildings without ramps bar people who use wheelchairs, online content without captions excludes individuals who are deaf or hard of hearing."***

Katherine A. Robertson, Magistrate Judge  
National Association of the Deaf et al. v. Harvard University et al.; Case No. 3:15-cv-30023; U.S. District Court for the District of Massachusetts, Western Division

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# TRIVIA!

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**February 15, 1972:** ABC demonstrates the first closed captioning embedded within a normal broadcast at Gallaudet University using a specially equipped television set.

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**August 5, 1972:** *The French Chef* with *Julia Child* becomes the first television show in American history to provide closed captioning.

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## Captions as an academic accommodation

- Issued by the Office of Disability Services via a **Letter of Accommodation**, for a specific student.
- Once a letter is received, captions are **legally required** immediately




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## Captions as an academic accommodation (continued)

Letter of Accommodation Sample →

From: LaTasha Ruff M.S., LPC, Assistant Director/Counselor: [REDACTED]  
 Date: [REDACTED]  
 Subject: Accommodations for [REDACTED] for Spring [REDACTED] Semester

I am writing to inform you that the above mentioned student is registered with the Office of Disability Services due to a documented disability. In order to ensure this student's access to educational opportunities, the below accommodations are necessary. These accommodations are appropriate and reasonable, and should not alter core course expectations. Accommodations are not retroactive and begin once this letter has been provided to faculty. Contact the Disability Services counselor, listed above, if you have questions regarding the student's accommodations or need additional consultation. The information contained in this letter is confidential, and should not be shared with anyone without the student's written permission.

- **Announcements:** Provide important announcements, such as due dates and directions, in both written and verbal form.
- **Captions:** Videos shown in class, or those that students are required to view, must have captions. Review your syllabus for any video content. Contact the Office of Disability Services immediately with video information. The Office of Disability Services may be able to assist with captioning materials. The captioning process is time consuming and can take several weeks to complete.
- **Class Notes:** An email requesting a volunteer note taker will be sent to all students in your course. You are encouraged to support this request by making an announcement in class. However, a note taker may not be needed if you provide access to detailed class notes. Students with note taking issues should be instructed to contact Disability Services.
- **Power Point Copies:** Provide a copy of the power points or other visual material, prior to the start of class. **This does**

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## Captions as a Form of Access




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## Captions as a Form of Universal Design

- Different types of learners viewing your content.
- English as a second language.
- Visual learners.
- Complicated words or terms.
- Crowded areas, or no headphones.

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## Poll Question #2

What is the percentage of people who view video content on-the-go or in public places with captions turned on?

- 1) 90%
- 2) 69%
- 3) 27%
- 4) 4%

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## Captions as a Form of Universal Design (continued)

**As more consumers watch video on-the-go and in public, video audio is becoming secondary.**

- 69% view video with sound off in public places.
- 25% watch with sound off on private places.
- 80% of consumers are more likely to watch an entire video when captions are available.

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**Captions as a Form of Universal Design** (continued)

92% of consumers watch videos with the sound off

50% of consumers rely on captions

invideo.io

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**What About Online Platforms and Live Captions?**

**Google Meet**

- Intended for small meetings.
- Accurate live auto-captions (not professional).
- Auto-captions are easy to use and can be individualized.

**Zoom**

- Can be used for larger meetings/courses.
- Accurate live auto-captions (not professional).
- Can be individualized.
- Uses the terms "live transcript" and "subtitles"
- A little more difficult to manage in [settings](#)\*

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<https://youtu.be/LbSqWFNJEY>

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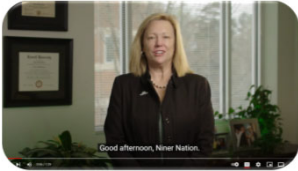
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 **Summary**

- Various circumstances in which captions are legally required.
- Captions may be an individual, disability-related accommodation.
- Captions are a component of equal access and accessibility.
- Captions are an important part of Universal Design for learning.



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 **Thank You!**



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