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UNITED STATES DISTRICT COURT
for the District of Arizona

The NATIONAL FEDERATION OF THE
BLIND, The AMERICAN COUNCIL OF
THE BLIND, and DARRELL SHANDROW,

Plaintiffs,

v.

ARIZONA BOARD OF REGENTS and
ARIZONA STATE UNIVERSITY,

Defendants.

Case No. 2:09-cv-01359-GMS

DECLARATION OF AMY F.
ROBERTSON IN SUPPORT OF
PLAINTIFFS' BRIEF IN
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS PLAINTIFF
DARRELL SHANDROW FOR
LACK OF STANDING

(Honorable G. Murray Snow)

I, Amy F. Robertson, do hereby declare that:

1. I am a shareholder in the law firm of Fox & Robertson, P.C. which is counsel for Plaintiffs herein together with Bonnett, Fairbourn, Friedman & Balint, P.C.; Brown, Goldstein & Levy, LLP; and Eve Hill. I have personal knowledge of the facts set forth in this Declaration, and if called upon to testify, I could competently testify to the truth of these matters.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the unedited, uncertified deposition transcript of Dr. Adrian Sannier, including exhibit numbers 3 and 23 to that deposition. The transcript is unedited and uncertified because it was taken only two days ago – on August 24, 2009 – and the court reporter has not had sufficient time to provide an edited, certified version.

3. Attached hereto as Exhibit 2 is a true and correct copy of a webpage from Arizona State University's website. It was converted to PDF and last visited on August 23, 2009.

4. Attached hereto as Exhibit 3 is a true and correct copy of a webpage from Arizona State University's website. It was converted to PDF and last visited on August 23, 2009.

5. Attached hereto as Exhibit 4 is a true and correct copy of a letter dated May 7, 2009, sent by Daniel F. Goldstein, a representative of the Reading Rights Coalition, to Michael M. Crow, President of Arizona State University.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 26, 2009

/s/ Amy F. Robertson
Amy F. Robertson

Exhibit 1

Page 1

DRAFT ADRIAN SANNIER, Ph.D. 08/24/2009
*** UNEDITED UNCERTIFIED TEXT ***
Provision of the enclosed text is subject to the following agreement and understanding of all parties:

A) This is an uncorrected and uncertified transcript. There will be discrepancies between the contents of this text and the final certified transcript, including but not limited to, page and line number discrepancies, the appearance in this document of mistranslated and/or untranslated words and/or names and/or numbers, and any and all other variants with the final certified transcript as from time to time may occur in the normal course of verbatim stenography.

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DRAFT ADRIAN SANNIER, Ph.D. 08/24/2009
*** UNEDITED UNCERTIFIED TEXT ***

MR. SANNIER: I'm Adrian Sannier, the univeristy technology officer at the Arizona as state university.

MS. HUDSON: Lisa Hudson counsel for the defendants.

MS. BLANDFORD: Alisa Blandford also counsel for the defendants.

VIDEOGRAPHER: Thank you, the witness will be worn sand in we can proceed.

Witness sworn

BY MR. GOLDSTEIN:

Q. Is this the first time you have been deposed Dr. Sannier?

A. No.

Q. How many times have you been deposed?

A. At least once.

Q. And what was the nature of that deposition?

A. It was in relation to a motion picture called blade.

Q. And how long ago was that?

A. In the 1990s.

Q. Then maybe refresher course is in order.

Although I'm sure Ms. Hudson has gone over this with you.

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VIDEOGRAPHER: Good morning. We are on the record at 11:15 a.m. on August 24, 2009. My name is Catherine McNally here with our court reporter Traci Heisig. We are here from Veritext national deposition and litigation services at the request of counsel for plaintiffs this deposition is being held at Arizona State University Fulton center building, 300 East University Drive in the city of Tempe, Arizona. The caption of this case is national federation of the blind versus Arizona board of regents, case number 2:09-CV-01359-PHX-GMS. In the district of the United States district court, district of Arizona. This is the videotaped deposition of Dr. Adrian Sannier, please note that audio and video recording will take place unless all parties agree to go off the record. Microphones are sensitive and they pick up whispers a private conversations. At this time, will counsel and all present identify themselves for the record.

MR. GOLDSTEIN: My name is Daniel Goldstein of the firm Brown Goldstein & Levy. I represent the plaintiffs in this case.

MR. SHANDROW: This is Darrell Shandrow. I'm a blind journalism student at Arizona state university.

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If I ask a question and you answer it, it is going to be presumed that you understood the question, so if my question lacks clarity or is ambiguous, don't answer it. Tell me my question is not clear, andly rephrase it. Did I make that clear?

A. Yes, you did.

Q. Okay. If you are inclined to an affirmative or negative response to an answer, try to avoid saying "m-hum" or "huh-uh", because the court reporter will not be able to accurately reflect your answer, but use instead yes or no. Is that fine?

A. Yes.

Q. I've had m'hum in response to that question.

Now, there are times when a witness will start answering my question before I've completed it. When that happens, the transcript isn't clear because the court reporter can't get both of us talking at once, but even apart from that there is the risk you will then answer differently misapprehending my question, plus I will put qualifying clauses at the end of my question, so I ask you please, wait until I've finished asking before you answer. Is that fair?

A. Yes.

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A. That's correct.

Q. But you have expressed over and over again, have you not, that if the pilot project is a success, you envision it being expanded to other departments and other classes in the university?

A. I will say further that we've actively looked for ways to find other places to try it.

Q. Right. Indeed, Exhibit Number three is your blog on this topic, is it not?

A. Yes, it is.

Q. And if we look at the second page, print page, you're saying, aren't you, I'm pumped to work with Amazon to see how the Kindle can help the university accelerate the adoption of electronic textbooks into a variety of courses?

A. Yes.

Q. In response to I think the first comment, you say we are really excited about this and hoping this grows into something great?

A. Yes.

Q. The risk that this could go forward, that is, the wider use of Kindle, without or before blind students have access to Kindle is a very real possibility at this

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is an emerging technology, one that is emerging very quickly, but not fully emerged. And so it is limited in a broad array of ways, one of which is that it is not fully accessible to blind students. But there a broad array of ways in which it is limited. And so what ASU is trying to do, I think, is understand those limitations and to a certain extent understand how that market will evolve so that ASU can be in a position to make effective use of this change in technology to serve all of its students. That is our purpose.

Q. So let's talk about that for a minute.

A. Okay.

Q. You have CourseSmart out there?

A. Yes.

Q. And the student buys the book online and can either download it or can keep it on a virtual bookshelf?

A. I think they rent it. That is what I think the course mart.

Q. They are licensing the book?

A. And I think it goes back at the end of 180 days.

Q. And they can either down load it to their computer at one price or they can access it on line as

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university, is it not?

A. I'm not sure I completely understand your question. When you say that the Kindle goes forward at this university. What does that mean to you?

Q. Well, you have actively sought out other programs and other courses in which to deploy the Kindle?

A. Yes.

Q. That is what I mean.

A. So the idea that a number of students larger than 80 might use the Kindle, yes.

Q. Okay. And those classes could be ones that Darrell Shandrow could enroll in?

A. Certainly.

Q. Or any one of a number of other blind students could enroll in?

A. Certainly.

Q. Where their fellow students would have all of the advantages you've described of the Kindle and they would have what DRC provides; correct?

A. No. Because I think it is important to separate the -- I think it is important to focus on the grows into something great as opposed to the, oh, this is universally something great. What is very clear is Kindle

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their other option from their device?

A. I think that is correct. Well, I don't know about any devices. There is a range of devices it works on.

Q. Well, that is true.

A. I don't think you can do it from a Kindle device, for example.

Q. No, you can't. It has to be a device where you can download their digital rights management software. One of the things I neglected to mention, any time you want to have a break --

MS. HUDSON: Can we have a break then to get some water?

VIDEOGRAPHER: Yes, this is the conclusion of tape Number one. The continuing video deposition of Dr. Adrian Sannier. We are off the record and the time is approximately 12:12 p.m..

(Recess from until.

VIDEOGRAPHER: This is the beginning of tape number two of the videotaped deposition of Dr. Adrian Sannier. The date is August 24th, 2009. The time is approximately 12:18 p.m.. please go ahead

BY MR. GOLDSTEIN:

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BY MR. GOLDSTEIN:

Q. Okay, well, as it happens, Google apps are accessible?

A. Not so much as it happens. Google apps was replacing a system that was substantially similar to it in its form and function.

Q. Right?

A. And so it is less as it happens than as a consequence of it being a technology in a certain state of maturity.

Q. Let's talk about that for a minute.

A. Okay.

Q. Browsers have been accessible for a very long time; right?

A. M'hum.

Q. But Google chrome is built off of web kit which is not accessible for PCs; right?

A. That is outside the scope of my knowledge.

Q. Okay. But, in fact, if the vendor is not paying attention to accessibility and you are not paying attention to accessibility, I don't mean you personally but your office is not, then even in a mature technology, like a browser, everybody can end up with an

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don't put that at the -- as the very first consideration as the technology emerges because it generally is not accessible when it first emerges that is what I would say characterizes how it is we approach those emerging technologies.

Q. Vista, whatever its drawbacks was successful the day it was introduced?

A. I don't know whether that is true or not.

Q. Okay. But if institutional purchasers require accessibility, then the likelihood that a product will be accessible on the day it's introduced becomes much greater, doesn't it?

A. I don't know that that is true, no. That is an interesting speculation, but I'm not sure that is true.

Q. The -- but in any event, the day that you put your name on the agreement with Google apps, you did not know whether those applications were accessible or not; correct?

A. That's correct.

Q. The day you signed up with iTunes U as a partner, you did not know whether iTunes U was accessible or not; correct?

A. That's correct.

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accessibility; right?

A. I have to dispute one of the premises of your question that our office doesn't pay attention to accessibility.

Q. I thought I said if, but?

A. If your question is, if no one pays attention to accessibility will it happen magically?

Q. Right. Does?

A. You would be right about that.

Q. We couldn't have a bumper sticker that says accessibility happens; correct?

A. You don't really want me to answer that.

Q. But why do you say your office does pay attention to accessibility?

A. Because we do.

Q. But not when you did Google apps or Amazon Kindle or well, not with Google 57s or with Amazon single; correct or iTunes U?

A. What I would say is that there are a broad frontier of areas where we address issues of accessibility, where we pay attention to issues of accessibility. We are interested in the issues of accessibility relative emerges technologies buzz we generally

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Q. And the day you signed up for the Kindle pilot program, you did not know whether it was accessible or not?

A. I think I did with respect to the Kindle because I had personal experience with it. So I knew it wasn't accessible.

Q. Okay. Let me show you an e-mail, and you may have seen it in its more complete form, but this is an e-mail, if you have seen it, from Teresa Haven to Norma GUIR -- no, to lance Harrop. HARROP

And who is Teresa Haven?

A. I don't know.

Q. Okay. Well, let's -- let me represent to you for the sake of moving this along, that Teresa Haven is the person in charge of creating accessible eBooks for Arizona statute university?

A. Okay.

Q. Under Dr. Hedgpeth. And in this e-mail which perhaps you can read the date, because I don't have it immediately in front of me?

A. There is a lot of dates on it.

Q. Okay. Well, the top -- here we go?

A. The May 6th.

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problem with technology being accessible at the out set, it is a cultural problem?

MS. HUDSON: Form and foundation.

THE WITNESS: I'm afraid that all I would be able to agree with is that sometimes it is a cultural problem.

BY MR. GOLDSTEIN:

Q. Do you have in mind any technological problem for which there aren't existing solutions, as sex ability solutions?

A. You know, as I said, I wouldn't want to speculate.

Q. Right.

A. What I did say was that I think the technologies often in their early stages are not accessible. I think that examples abound.

Q. Yes?

A. And beyond that, I think it is hard for us to know all the reasons why that is true.

Q. As with bricks and mortar, it is a general conception that retrofitting is more expensive.

MS. HUDSON: Form the form and foundation.

THE WITNESS: I don't know that that is always

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consequences that flowed from ASU's announcement that its undertaking of the pilot project with Kindle; correct?

A. That I received this e-mail from Michael Bossone.

Q. Let's take it one more step. He is representing to you, is he not, that the University of Miami is now interested in following suit?

A. But beyond this e-mail and a conversation I had with Michael Bossone, I don't have any indications that the University of Miami is pursuing it.

Q. From your dealings with Mr. Bossone, is he generally a reliable and truthful person?

A. I have very limited dealings with Mr. Bossone and most of them have to do with things that happen at ASU. So it is hard for me to say whether he really was speaking for the University of Miami.

Q. Okay. Did you participate in a meeting in May with other universities involved in the Kindle pilot project?

A. The meeting that I can recall would have been in connection with the event in New York.

Q. Okay. Mark this as the next exhibit.

(The Reporter marked Exhibit 22 for

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true.

Q. So there is now a collaboration site for you and the other pilot programs; correct?

A. I think so.

Q. And are you a participant in that?

A. I'm not an active participant, no.

Q. Have you been following it at all?

A. Not really.

Q. Let me show you Exhibit Number 15.

A. Okay.

Q. From a gentleman whose last name is spelled BOSSONE. Is this someone you know?

A. It is.

Q. And who is he?

A. He is an assistant Dean at the law school.

Q. And he is talking to you there about the possibility that the University of Miami law school may make use of kindles; correct?

A. Let me just make sure. Yes. Well, I'm not sure -- let me pull my yes back.

Q. Okay.

A. Yeah, okay, very good.

Q. And this is another example of the

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identification.)

BY MR. GOLDSTEIN:

Q. I'm sorry, Lisa.

I'm looking here at an e-mail from Gail Ryser, if I'm saying her name correctly, from ASU's global institute of sustainability. And she is writing you, is she not, to find out if her program can participate in the Kindle project; correct?

A. That looks correct.

Q. And is that still a possibility?

A. Yes. Well, I mean, in the sense that I described earlier.

Q. Right.

(The Reporter marked Exhibit 23 for

identification.)

BY MR. GOLDSTEIN:

Q. This is, I'm going to butcher the poor man's name. This is an e-mail from a gentleman whose name is van and then HUYSTEEN from the University of K town, South Africa, inquiring as to how they might look at use of the Kindle in their institution; correct?

A. Yes.

Q. And did you pass on this information to

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Ms. Barlow to follow up?

A. I did.

(The Reporter marked Exhibit 24 for identification.)

BY MR. GOLDSTEIN:

Q. What is the ASASUW, if you know?

A. I'm not very good with acronyms

BY MR. GOLDSTEIN:

Q. I thought you had a better shot than I did?

A. I'm sorry. I will take a look at it for a minute and see if I can...

I'm going to say it is a student organization associated with the west campus based on what I'm reading on the second page last paragraph.

Q. If along the lines you indicated there is a broadening of the use of the Kindle, would that campus, the west campus also be potential participants?

A. Yes.

Q. Is Arizona State University participating in any attempts to get additional textbook publishers to make books available on the Kindle?

A. I'm not aware of any.

Q. Okay.

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(The Reporter marked Exhibit 25 for identification.)

BY MR. GOLDSTEIN:

Q. Now, Arizona State university paid out-of-pocket for 35 kindles; is that correct?

A. I believe that is correct.

Q. And also for a coordinator for the pilot program?

A. Yes.

Q. And the document you have before you now only addresses the kindles, but those Kindles were purchased out of general operating funds; correct?

A. I think that is true.

Q. And was the program coordinator also paid for out of those funds; do you know?

A. I don't know.

Q. Okay. Do tuitions go into general operating funds?

A. I'm not sure.

Q. Okay. So far as you know, it is possible that Mr. Shandrow may be helping to pay for this?

MS. HUDSON: Form and foundation.

Q. The funding of this pilot program?

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A. I don't know.

Q. Do you think he should fund it?

MS. HUDSON: Objection.

THE WITNESS: Personally?

BY MR. GOLDSTEIN:

Q. Yes?

A. No I mean, do I think he personally should fund it.

Q. Yes.

A. Or do I think it an inappropriate use of his tuition dollars. I think it is a defensible use of his tuition dollars.

Q. Well, as an attorney, I have a very broad understanding of defensible. Covers more than appropriate. Is it appropriate?

A. Yes, I think it is.

Q. What is the one-to-one program?

A. Broadly speaking, it is a cluster of relationships designed to facilitate students maybeing efficient use of mobile technologies. Meaning technologies that they personally own and which they use in the course of their schoolwork.

Q. Okay. And so part of that would be perhaps

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even to migrate print materials to online?

A. We haven't gotten to that level of sophistication, yet.

Q. But that is a place that you would like to go; right?

A. I think that the notion of making material accessible digitally is a value to people who own their own equipment, yeah. But speaking specifically about ASU one-to-one, it is not a place that we've made a lot of inroads. {}

Q. Okay. Let's mark this as an exhibit.

(The Reporter marked Exhibit 26 for identification.)

BY MR. GOLDSTEIN:

Q. I've got now before you, sorry what exhibit number is that?

A. Looks like 26.

Q. 26. I would like to focus rather on the question of inroads, a question of direction.

A. Okay.

Q. And in this e-mail on February 12th of this year, you suggest, do you not, to Ms. Barlow that you would like to see some degree programs go entirely

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with has to do with access to books. Even taking into account access to the web, is there anything that is more core to the university mission than students to access

books.

MS. HUDSON: Form and foundation.

A. Books are very important.

Q. And Dr. Sannier, you have been generous with your time and I thank you?

MS. HUDSON: We will read and sign. No

questions.

VIDEOGRAPHER: This concludes the videotaped

deposition of Dr. Adrian Sannier, senior, four recordingS,

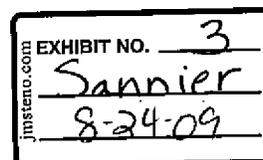
the time is approximately 2:49 p.m.

Draft Copy



University Technology Officer

Adrian Sannier, UTO, Arizona State University
« Technology as a Sixth Sense
My wiki would rather play shuffleboard. »
May 6 2009



Please Welcome ASU's Newest Freshman to Campus: the Kindle

By Adrian Sannier
Blogged from: Technology



For most college students, it's almost a rite-of-passage to spend big bucks at the bookstore. But with advancements in online publishing, digital textbooks are no longer out of the question. Not only are they cost effective, they're convenient, searchable, environmentally friendly, and may even incorporate rich media, giving students the ability to both read about a subject and maybe watch a video about it too.

And yet, even with all their advantages, traditional paper-based books still rule at universities around the country. What gives? Well, in my view, it's a complicated interaction between publishers, faculty, and students all caught in a 20th century business model that's yet to give way.

But all that may be changing, and soon.

Beginning in Fall 2009, ASU is partnering with Amazon to try out the Kindle DX, Amazon's latest digital reading device, to replace traditional textbooks in the classroom. Selected classes of students will begin using the Kindle instead of paper books, and we'll be comparing how they fare relative to their paper book wielding counterparts.

For example, thanks to a proposal from Dr. Ted Humphrey, President's Professor in ASU's Barrett Honors College, a group of students enrolled in this fall's Human Event course will receive their textbooks not as bound books but on a brand new Kindle DX instead. The Human

Event is a two-semester course required of all Barrett students that covers a wide range of material from about 50 different sources.

ASU is actively working with Amazon to find those courses of study for which the Kindle is a good alternative to traditional texts. In those areas, Kindle delivered e-books would provide students with a significant cost savings and provide them with an additional flexible learning tool. In addition to cutting textbook costs and reducing the weight in students' backpacks, digital textbooks are available for download wirelessly and reduce the amount of paper used to print and distribute textbooks.

Electronic texts provide the capabilities that today's students have come to expect—they're searchable, flexible, easy to annotate, and less expensive than traditional texts. I'm pumped to work with Amazon and to see how the Kindle can help the University accelerate the adoption of electronic textbooks into a variety of courses.

ASU is one of five universities participating with Amazon in the Kindle pilot. The others are Princeton University, Case Western Reserve University, Reed College, and Darden School of Business at the University of Virginia.

As always, your thoughts, notions, questions and comments are welcome.

26 Comments

• 1

Wednesday, 6 May 2009, 10:01

By JSA Lowe

Yes, yes, YES! This is wonderful news, and I'm excited to see the tired old "20th-century business model" (or, really, 19th-century) give way to something practical, useful, and efficient—and above all *searchable*. Bravo to UTO for making this happen!

• 2

Wednesday, 6 May 2009, 10:36

By Adrian Sannier

We're really excited about this and are hoping this grows into something great!

• 3

Wednesday, 6 May 2009, 11:00

By J Jensen

Given that the Kindle DX retails for \$489.00 without any books loaded, how much will students need to pay to receive their books in the future? Is this trial run going to be subsidized in some form? Will these Kindle DXs remain the property of ASU?

Another question, assuming adoption by the University, would be how will this compare to the current market for paper books? I am a unique case in that I still have all my textbooks from my undergrad (Computer Systems Engineering) but most of my fellow students routinely sold their books back at the end of the semester making their cost of ownership

much lower than it might be with an eReader like the Kindle. Paying "NEW" prices for all my books when they can't be sold back at the end of the semester would be rather discouraging to many students.

• 4

Wednesday, 6 May 2009, 11:03

By Alice Robison

I'll be interested to try this out. While my area of research is new media, I'm never in favor of claiming that digital technologies should necessarily replace analog ones. But if the Kindle DX will allow us to use .pdf files in our teaching, that will be a nice supplement to other materials we use with students.

• 5

Wednesday, 6 May 2009, 15:34

By Sharon Morley

What an excellent idea. It's innovative and cost effective. I truly hope this becomes the norm!

• 6

Wednesday, 6 May 2009, 16:02

By JoshCork

This is fantastic. I hope this takes off, I think this could help transform education!

• 7

Thursday, 7 May 2009, 11:40

By John Carter McKnight

This has enormous potential for law students in particular, as a cost- and weight- alternative to a stack of casebooks. It will also be nice to have a well-formatted display for online journal articles, rapidly becoming the staple of graduate education.

• 8

Friday, 8 May 2009, 11:06

By Adrian Sannier

Good questions. Not sure of the business model answers yet. If Amazon's trade book model is any guide, 50% reductions in book prices could be expected. Maybe a rental model too? All of this we'll have to see as we go forward.

• 9

Monday, 11 May 2009, 15:25

By Tony

It's a wonderful idea, but I think Amazon needs to lower the price of the Kindle - at \$489.00 it's a bit steep for students. Hopefully, ASU will offer some kind of discount. Even a price like \$299.00 would be more palatable.

• 10

Friday, 15 May 2009, 9:25

By Pamela G

Is ASU negotiating an "educational use" price on the Kindle? If so, I would be VERY interested in trying it out!

• 11

Friday, 15 May 2009, 13:58

By Adrian Sannier

At this time we don't have any information on price other than the list price that Amazon has put forward already.

• 12

Monday, 18 May 2009, 14:26

By Karen Kramer

The Kindle is second on my must have list... right after the new MacBook Pro and before the iPhone.

• 13

Saturday, 23 May 2009, 12:42

By Tim Reasoner

The Kindle does not seem like a good deal for a student like me. I like to add elaborate highlighting and notes to all of my textbooks.

It appears to me that this will not be readily possible with the Kindle.

I once heard a Noble prize winner (do not remember who) on PBS say, 'if a textbook is not heavily marked up, you haven't learned anything from it'.

If I got stuck with one of these 'Kindle classes', I would immediately go out and buy the real book instead.

I suspect that the Kindle is good for fluff reading (murder mysteries, etc.), but not for optimal learning.

• 14

Tuesday, 26 May 2009, 11:42

By Adrian Sannier

That's part of what we hope to learn, Tim. Markup is possible on the Kindle, and it can be digital and searchable, which standard markup isn't. There's an old British saying that what you lose on the swings, you gain on the roundabouts...We'll learn a lot about this I think, and we also might find out that one size definitely doesn't fit all.

• 15

Sunday, 31 May 2009, 14:14

By Sher

That last comments about one size not fitting all might be right, but I think there are other outlets for this sort of technology rather than just the Kindle DX. As Apple promotions for the ipod touch and iphone for students keep popping up at back to school time each year, and the new kindle reader app for iphone/itouch seems to have pretty robust development,

are there any plans for ASU to track or survey kindle textbook downloads by students on these devices?

I agree that the Kindle DX current price point is a little steep. It seems many more students/faculty are willing to pay for an ipod touch/iphone device or similar convergence device. I know it doesn't have the fancy e-ink display (although a device in black and white, no color, with slow-ish refresh rates, doesn't seem like a step forward to me, but that's just my own opinion) and the ipod screen is pretty small, something maybe not so great for long books or articles. However, even with these limitations, students might be willing to read on a smaller, color touch screen device rather than having to pick up a \$489 device just for textbooks.

• 16

Monday, 8 June 2009, 12:19

By Darrell Shandrow

The Kindle is inaccessible to the blind, visually impaired and some other users with print reading disabilities. I am a blind ASU student at the Walter Cronkite School of Journalism and Mass Communication. I strenuously object to the university's use of our tuition and/or taxpayer dollars to negotiate with or purchase anything from vendors, including Amazon, that fail to deliver products and services which are fully accessible to everyone. Since the Kindle remains inaccessible, I strongly feel that, at this time, ASU should stop this project and cease all dealings with Amazon with respect to use of the Kindle books until accessibility of the books and the devices can be assured.

• 17

Thursday, 11 June 2009, 12:37

By Graciela Gonzalez

How do we get textbooks lined up as a request for Kindle version? I am interested in getting the BMI students use the technology... and then explore application development on it, if that is at all an option.

• 18

Friday, 12 June 2009, 18:45

By Melissa Ward

Right now we have the diversity of buying textbooks online at a cheaper price. I like the idea of having the Kindle versus the countless textbooks. The only thing I don't want to see happen is the price of the downloaded textbooks hiked, even though they cost much less to the university.

How long will a Kindle last a student, how durable are they, can books be transferred from the Kindle to a computer, what is the warranty on the Kindle, as textbooks update with various editions will this be the case with Kindle, what happens if a student accidentally downloads the wrong book, and with the heat in AZ there are going to be bookbags left in cars accidentally will there be insurances for the Kindle?

• 19

Monday, 15 June 2009, 14:04

By Todd

I believe the 2nd Generation and newer Kindles can in fact read the text aloud, which would be accessible to visually impaired would it not?

• 20

Wednesday, 1 July 2009, 15:44

By Michael

So I'm an incoming Barrett freshman. How do I get one?

• 21

Wednesday, 8 July 2009, 20:55

By Pat

Having used my Kindle 2 last semester for courses and had all my textbooks readily available on it, I highly support this initiative! As far as a concern about highlighting and note taking in books, I am constantly doing this! With the Kindle, not only can you highlight and make notes just as easy as you can with a paper book. What's nice is that the Kindle automatically stores your notes and highlights in a summary page which you can refer to and search. When you find the notation you're looking for, you simply click on it and it will take you to the place in the book where you made the note/highlight! A lot better than putting sticky notes on pages to indicate sections of importance and then having to go back and search through the book for those important passages! It's a great time saver when studying for tests or writing papers where you need these as a reference point.

• 22

Friday, 10 July 2009, 18:15

By Kristy K

Will the kindle be available in the bookstore for all students to purchase? (Hopefully at a cheaper price than \$489.00) Or do you have to be one of the lucky ones in a progressive class?

• 23

Sunday, 12 July 2009, 21:48

By Jenny

I agree that they shouldn't be the only option for blind students, and those with visual problems that cause Kindle to be unusable. You should absolutely have equal access.

But, as a student with low vision (visual impairment, but less severe) and issues with color contrast, it would personally help me. I currently receive text and testing accommodations through the disability center. Carrying a laptop is not always practical, and I can rarely read out of the textbooks. I carry magnifiers, but those only help when size--not-contrast--is the issue, and they impede my normal speed of reading.

A Kindle would help me by having high contrast monochrome text that I can easily re-size. The portability and battery life are appealing, plus it'd be nice to study texts while on the lightrail.

I solidly agree that it shouldn't be mandatory, but consider that some visually impaired students, like me, would be helped by this new technology.

• 24

Wednesday, 29 July 2009, 21:53

By Johnny K. Young

How much will it cost and will payment plans be available for those who don't "qualify" for financial aid? Also, what is the cutoff date for the class. I have 99 hours attempted from an out of state school but would like to start completely afresh.

• 25

Wednesday, 29 July 2009, 22:02

By Johnny K. Young

In response to the "Text-to-speech option, this is an "experimental program" that Amazon/Kindle is looking into but it may be a year or so before it becomes viable in a classroom setting. You have to make it "pretty" and THEN make it work. The liited number of visually impaired students versus the students who can see and benefit from such an advancement renders the liklihood of this "addition" being added to the DX is somewhere between slim and none at this point, though it MAY be added as a "software upgrade" at a later date. To do it NOW would be akin to putting totally blind people on a collegiate dodgeball team...a no-win situation if there ever was one.

• 26

Friday, 31 July 2009, 18:16

By John Cannistraro

The Kindle should be an option not the only choice a student has. I personally have not enjoyed electronic textbooks I purchased online. The Hardware is another issue. What happens to a lost or stolen device. replacing a few books is a lot less than a \$500 aparatus. I really hope the University considers this as an OPTION and not mandatory line item.

RSS feed for comments on this post.

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From: Adrian Sannier
Sent: Friday, July 24, 2009 09:48 AM
To: Art Lee
Subject: Fwd: Kindle for MBA students

----- Forwarded message -----
From: Kari Barlow <kbarlow@asu.edu>
Date: Tue, May 26, 2009 at 11:40 AM
Subject: Fwd: Kindle for MBA students
To: Richard.VanHuyssteen@uct.ac.za
Cc: Adrian Sannier <asannier@asu.edu>

Hello Richard,
I currently coordinate the Universities Kindle efforts. We are one of 5 universities working on pilots of the Kindle DX with Amazon. Our initial pilot is for our undergraduate honors program, but we plan to extend the Kindle availability to all ASU students soon and are working closely with Amazon on a process to prioritize the conversion of textbooks. I would be happy to talk to you further, if that would be helpful.
--Kari

Kari Barlow
Assistant Vice President, Strategic Alliances & Special Initiatives
University Technology Office, Arizona State University

----- Forwarded message -----
From: Adrian Sannier <asannier@asu.edu>
Date: Tue, May 26, 2009 at 11:34 AM
Subject: Fwd: Kindle for MBA students
To: Kari Barlow <kari@asu.edu>

----- Forwarded message -----
From: Richard Van Huyssteen <Richard.VanHuyssteen@uct.ac.za>
Date: Thu, May 21, 2009 at 1:54 AM
Subject: Kindle for MBA students
To: Adrian.Sannier@asu.edu

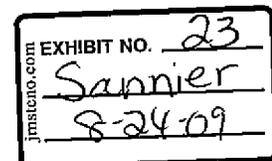
Hello Adrian

It was good to meet you at the April Oracle HE Council meeting. I recall your mentioning over dinner that you provide your MBAs with their textbooks via Kindle - is that correct?

If so, would you mind if I put one of our Graduate Business School people in touch with you, or someone else in your department if you prefer?

Many thanks
Richard

Richard van Huyssteen
Student System Support
Office of the Registrar
Room 3.64, Kramer Building
Middle Campus



UCT
Tel: 021 650 2465
Fax: 021 650 4024

UNIVERSITY OF CAPE TOWN

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Exhibit 2



University Student Initiatives Manual (USI)

Effective: 1/1/1983

Revised: 7/1/2008

USI 701–07: Alternative Format Services

Purpose

To facilitate equal access to course materials for qualified students with disabilities who are eligible for textbooks and other course materials in alternative formats (including but not limited to Braille, large print, E-Text, and audio textbooks)

Sources

The Rehabilitation Act of 1973, 29 *United States Code* §§ 701–796
Americans with Disabilities Act of 1990 (ADA), 42 *United States Code* § 12101 *et seq.*
Commission on Civil Rights
Disability Resource Center
University Registrar's Office
Business Services
ASU Bookstore

Policy

Textbook/print conversion is a time-intensive process, especially for technical subject matter, and can require up to four months (e.g., mathematics, science, foreign language texts) to complete. To facilitate the availability of these accommodations from the first day of class, students must enroll in classes during Priority Enrollment, provide qualifying disability documentation to the Disability Resource Center (DRC), meet the accommodation request deadlines, and follow specified procedures. DRC professional staff authorize and refer students to the appropriate DRC service providers, who:

1. facilitate the ordering and acquisition of recorded textbooks from Recordings for the Blind and Dyslexic

(RFB&D) and other sources

2. provide recorded portions of textbooks and class handouts for students

and

3. produce certain class materials in alternative formats (e.g., Braille, E-Text, audio text, and large print).

Eligible students can access adaptive equipment at various sites at each ASU campus. Students requiring enlarged text may use text enlargers and computers with text enlargement software in select areas on most campuses. For locations, see individual campus procedures.

Following a review of the text to be converted and the nature of academic assignments, all printed materials are produced in a format approved by the appropriate DRC professional staff.

Students with personal RFB&D memberships are responsible for acquiring and returning their own RFB&D audio-recorded or digital texts. Students who are accessing RFB&D tapes or digital recordings through the DRC/ASU institutional membership must return borrowed tapes or digital recordings to the DRC. The DRC staff is available to assist with problems and for backup when tapes or digital recordings do not arrive as scheduled.

Note to continuing ASU students:	To facilitate the availability of alternative format accommodations from the first day of class, qualified students with disabilities are assigned a priority enrollment appointment. Students must enroll within three days of their priority enrollment appointment and contact the DRC within 10 days of enrolling to facilitate accommodations from the first day of class. If a student fails to follow this policy, DRC will make every effort to accommodate as close to the first day of class as possible on a first-come, first-served basis.
----------------------------------	---

Note to new ASU students:	New ASU Students enroll in classes at an ASU orientation session. Therefore, new ASU students should attend an orientation session as early as possible upon admission to the university and complete all specified DRC procedures in order to facilitate the availability of alternative format accommodations as close to the first day of class as possible on a first-come, first-served basis.
---------------------------	---

See the [DRC](#) Web site for detailed information and procedures for accessing services and accommodations available for qualified students at specific ASU campuses and sites.

Cross-References

For further information, see

1. [USI 701-02](#), "Eligibility for Accommodations—Required Disability Documentation"
2. [USI 701-03](#), "Priority Enrollment for Students with Disabilities"
3. [USI 701-08](#), "Interpreting Services for Students Who are Deaf/Hard-of-Hearing"

and

4. [USI 701-11](#), "Adaptive Equipment Checkout for Eligible Students with Disabilities."

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[USI](#) manual | ASU policies and procedures [manuals](#) | [Index](#) of Policies by Title | University Student Initiatives Web [site](#)

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University Policy Manuals Group
1130 E. University Center, Suite 110
Mail code 4104 | 480/965-1717
[Dorothy DiRienzi](#), Editor/Publisher

Exhibit 3



- [ASU Home](#)
- [ASU A-Z Index](#)
- [My ASU](#)
- [Colleges & Schools](#)
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Disability Resource Center

Alternative Format Services

With appropriate documentation, students may be eligible to receive text materials in alternative format (i.e., audio text, Braille, large print, tactile graphics, electronic-text, etc.). Students must meet with their DRC Disability Access Consultant each semester to determine if they are eligible for this accommodation and place requests for materials.

Alternate Resources

If a student does not provide complete information and materials in a timely manner, we cannot perform conversions in a timely manner. In case materials are not available on the requested delivery date, we strongly recommend that students become familiar with assistive technology that will help them access texts on their own. Such technology may include, but is not limited to:

- [Kurzweil](#)
- [ReadPlease](#)
- [TextAloud](#)
- [Adobe Acrobat Reader](#)
- CCTV units

Students are welcome to ask for assistance from the DRC Assistive Technology Lab personnel in learning how to use these programs. Students may also wish to discuss the possibility of a reduced reading load through course balancing with their Disability Access Consultant.

For additional important information, please also read:

[DRC alternative format services policy](#)

[Alternative format services procedure](#)

Disability Resource Center
Matthews Center
P.O. Box 873202
Arizona State University
Tempe, AZ 85287
Phone : (480) 965-1234
TDD : (480) 965-9000
FAX: (480) 965-0441
E-mail : Disability-Q@asu.edu
[Student Affairs](#)
[University Student Initiatives](#)

Exhibit 4

Reading Rights Coalition

Members:

AbilityNet
American Association of People
with Disabilities
Association of Blind Citizens
American Council of the Blind
American Foundation for the Blind
The Arc of the United States
Association on Higher Education
And Disability
Bazelon Center for Mental
Health Law
Burton Blatt Institute
DAISY Consortium
Disability Rights Education
and Defense Fund
Disability Rights Legal Center
Disability 411
IDEAL Group
International Center for Disability
Resources on the Internet
International Dyslexia Association
International Dyslexia Association
– New York Branch
Jewish Guild for the Blind
Knowledge Ecology International
Learning Disabilities Association
of America
Lighthouse International
Lighthouse for the Blind,
San Francisco
National Association of Law
Students with Disabilities
National Center for Learning
Disabilities
National Disability Rights Network
National Federation of the Blind
National Industries for the Blind
NISH
National Spinal Cord Injury
Association
Smart Kids with Learning
Disabilities
United Cerebral Palsy

May 7, 2009

VIA FACSIMILE (480) 965-0865

AND FIRST CLASS MAIL

Michael M. Crow
President
Office of the President
Arizona State University
P.O. Box 877705
Tempe, AZ 85287-7705

Dear President Crow:

I write on behalf of the Reading Rights Coalition, a cross-disability group of thirty-two organizations that are committed to ensuring that e-books are accessible to and usable by anyone wishing to read them.

It has been brought to our attention that Arizona State University has entered into an agreement with Amazon to provide mobile access to e-textbooks and course materials through the Kindle DX. The controls and navigation features of the Kindle are inaccessible to blind and visually impaired students and faculty who will not be able to independently navigate Kindle's menus, change settings, locate books or documents, or be able to identify critical information, such as device settings. We encourage you not to move forward with your agreement, as doing so would violate numerous federal and state laws barring disability discrimination by colleges and universities, including Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act and the Arizonans with Disabilities Act.

As elsewhere, separate is inherently unequal and texts that are produced by your Disabled Student Services Office for your blind students lack the navigation, structural information and features to be found on the Kindle and in its contents and cannot constitute meaningful participation in this program.

Because e-books, as zeros and ones, are not inherently visual, aural or tactile, they offer individuals the opportunity to access content through whatever method(s) are accessible to them. Accessible e-book readers create the opportunity for the first time for blind and visually-impaired students to have access to the same content, in the same manner, with the same features and at the same time as sighted students.

This means that a blind student's achievement could, finally, be primarily determined by her intellectual and creative abilities and work ethic, rather than impinged upon by unnecessary barriers relating to lack of sight. Thus, not only do we have no objection to the Kindle once its controls are accessible, but we would eagerly embrace it.

Members of our Reading Rights Coalition will be addressing this issue aggressively and, where possible, in cooperation with, rather than as adversaries to, the educational institutions. Recently, Amazon announced on its blog a vague and indeterminate promise to work on making the Kindle controls accessible, bereft of timeline or details. It is our understanding that whatever plans may exist, they do not include having accessible controls for the Kindle DX in time for its introduction on your campus in the fall. This is powerful technology, and the distribution of an inaccessible e-book technology that aggravates a gratuitous competitive inequality is completely unacceptable.

The inaccessibility of the Kindle does not result from the absence of existing technology to make the Kindle accessible. The inaccessibility of the Kindle is entirely the product of Amazon's well-documented lack of interest in providing e-books that are accessible to people who are blind and visually-impaired. We encouraged Amazon to make the Kindle controls accessible, beginning with a meeting more than 15 months ago with the Kindle product manager and other officials at Amazon.

Since that time, counsel for one of our Reading Rights Coalition members has repeatedly warned Amazon that if it entered the textbook market without accessible controls it would be exposing its institutional customers to substantial liability. We did not and do not understand a market plan that involves exposing one's customers to lawsuits. Nonetheless, Amazon plunged ahead to develop the Kindle 2 and now the Kindle DX before starting a serious effort to make the device accessible.

When educational institutions insist on accessibility, accessibility happens. When iTunes U was inaccessible and the Massachusetts Attorney General and the undersigned demanded that Apple make that service accessible, it resulted in an accessible iTunes and an accessible iPod, within three months after the undersigned wrote Apple's 257 university partners to apprise them of the accessibility issue. You now have a similar opportunity to effect this even more momentous positive change.

We recognize that the cost of print textbooks and environmental sustainability, among other reasons, make e-textbooks extraordinarily desirable for your students. If you hold the line on accessibility, competitive market forces will come into

Michael M. Crow
Arizona State University
May 7, 2009
Page 3

play that will enable you to provide *all* of your student's equal access to e-books under the law. But unless you insist on accessibility, no vendor will bother to provide it.

Attached are guidelines we will soon be distributing to colleges, universities and college bookstores to encourage them to demand accessibility from e-book vendors. I have also attached a resolution recently passed by the National Council of State Agencies for the Blind, which includes the state agency for Arizona, urging institutions of higher education to insist that the e-book readers and e-books they offer are accessible and noting the legal reasons for doing so.

Because the announcement of this pilot project comes less than four months before the commencement of the fall semester, any meeting to discuss a possible resolution of this matter, with or without Amazon, must be scheduled as soon as possible. The blindness and cross-disability groups in this Reading Rights Coalition are not willing to compromise their options by delay. Accordingly, if you wish to discuss this further, please contact the undersigned on or before the close of business on May 15. I will be traveling to and on the West Coast May 14 or 15, so on those two days, a message to my e-mail, dfg@browngold.com or a call to my cell phone, 410-218-8537, might be best.

Very truly yours,



Daniel F. Goldstein on behalf of
The Reading Rights Coalition

DFG/tt

Enclosures

cc: José Cárdenas, Esq. (via facsimile 480-965-0984)
David Zapolsky, Esq. (zapolsky@amazon.com)