

Cruising to a More Inclusive Experience on Cruise Ships

Prepared for the Audio Description Project of the
American Council of the Blind

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January 25, 2018

In the preface to “The Visual Made Verbal,” American Council of the Blind President Kim Charlson notes that “Cultural activities are an important element of our society, often expressing values, trends, fads, historical perspectives, or future directions. People who are blind or visually impaired want and need to be a part of society in all its aspects. Audio description provides the means for blind or visually impaired people to have full and equal participation in cultural life, accessibility to an event, and the right to be first-class citizens. In short, the ability to contribute to, participate in, and enjoy the treasures that society offers.”

Audio description has a place wherever the visual image is important to the experience of an event. Description has enhanced / provided clarification of visual material in office meetings, at award ceremonies, during parades, at sports events, for weddings, and even at funerals.

And--on cruise ships:

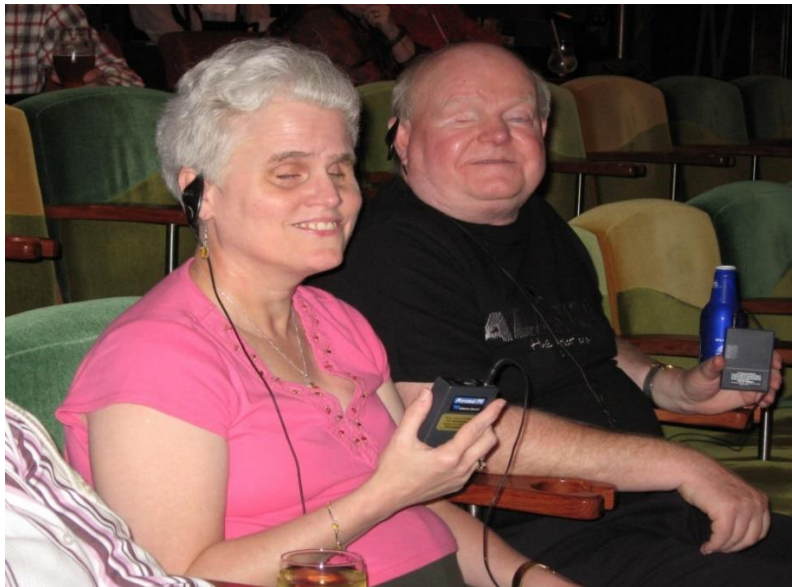


Joel Snyder uses an FM steno mask microphone and transmitter to describe a glass-blowing show for Marlaina Lieberg who uses an earpiece and an FM receiver. The show is aboard a Royal Caribbean Cruise Line ship in Alaska.



Also aboard a Royal Caribbean Cruise Line ship (in the Caribbean), Joel Snyder provides “description” of the lyrics on a karaoke monitor for singer and blind woman Denise Colley (the first known instance of “karaoke for the blind”).

And other “live” settings—wherever the visual image is critical to the event.



Denise and Berl Colley, both blind, in the main theater aboard a cruise ship, display the FM receivers they use to access description being transmitted from another part of the theater.

Cruise ships--even vessels sailing under foreign flags that dock in U.S. ports--are required to abide by the Americans with Disabilities Act (the

law doesn't apply to foreign ports). The industry is awaiting further guidance from the U.S. Access Board, an independent federal agency that promotes equality for people with disabilities, to approve the Passenger Vessels Accessibility Guidelines (PVGA). These guidelines specify the physical accessibility guidelines for new construction and alterations of vessels. Though it could be years before these guidelines are set in stone, most cruise lines are already building accessible ships, particularly with respect to physical accessibility but not necessarily programmatic accessibility.

And even when they do, some cruise lines stipulate requirements regarding how and when assistive services are provided. For instance, Royal Caribbean requires 60 days' notice prior to sailing for passengers requesting sign language interpreting services. Service dogs are usually permitted onboard but might not be allowed to disembark at all ports—often certain documentation is needed so arrangements can be made to accommodate the animal's needs.

It should be noted that “audio describer” should not be synonymous with “personal assistant”. It should be the responsibility of the audio describer to provide a verbal/aural “translation” of visual images as they occur in performances, on excursions, at meals (reading menus as necessary) and while accompanying the AD consumer on board and in port. Describers are not available to run errands, physically guide AD consumers beyond offering an elbow as a sighted guide (e.g., pushing wheelchairs) or assisting in guide dog relief.

The bottom line is that cruise ships are required to have policies and practices that prohibit discrimination—insuring effective communication for all services is a critical part of this responsibility.

ADDENDUM

What follows are relevant excerpts from a) the American With Disabilities Act, b) the Carnival Corporation Settlement, and c) relevant websites.

American With Disabilities Act

We believe that specific language from the Americans with Disabilities Act applies with respect to cruise ships and the accommodation of people with disabilities. The following several pages are excerpted from language in the ADA:

Subpart C – Specific Requirements

§ 36.301 Eligibility criteria.

(a) General. A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.

(c) Charges. A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.

§ 36.302 Modifications in policies, practices, or procedures.

(a) General. A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

§ 36.303 Auxiliary aids and services.

(a) General. A public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.

(b) Examples. The term "auxiliary aids and services" includes –

(1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems,

including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

(2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;

(c) Effective communication.

(1) A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. This includes an obligation to provide effective communication to companions who are individuals with disabilities.

(i) For purposes of this section, "companion" means a family member, friend, or associate of an individual seeking access to, or participating in, the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation, who, along with such individual, is an appropriate person with whom the public accommodation should communicate.

(ii) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. A public accommodation should consult with individuals with disabilities whenever possible to determine what type of auxiliary aid is needed to ensure effective communication, but the ultimate decision as to what measures to take rests with the public accommodation, provided that the method chosen results in effective communication. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

(2) A public accommodation shall not require an individual with a disability to bring another individual to interpret for him or her.

(3) A public accommodation shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication, except

(i) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(ii) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the

accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

Movie Theaters – (Note: cruise ships often offer the screening of popular films in addition to live entertainment and land excursions when in port.)

(g) Movie theater captioning and audio description.

(1) Definitions. For the purposes of this paragraph (g)—

(i) Analog movie means a movie exhibited in analog film format.

(ii) Audio description means the spoken narration of a movie's key visual elements, such as the action, settings, facial expressions, costumes, and scene changes. Audio description generally requires the use of an audio description device for delivery to a patron.

(iii) Audio description device means the individual device that a patron may use at any seat to hear audio description.

(vii) Movie theater means a facility, other than a drive-in theater, that is owned, leased by, leased to, or operated by a public accommodation and that contains one or more auditoriums that are used primarily for the purpose of showing movies to the public for a fee.

(2) General. A public accommodation shall ensure that its movie theater auditoriums provide closed movie captioning and audio description whenever they exhibit a digital movie that is distributed with such features. Application of the requirements of paragraph (g) of this section is deferred for any movie theater auditorium that exhibits analog movies exclusively, but may be addressed in a future rulemaking.

(4) Minimum requirements for audio description devices. (i) A public accommodation shall provide at its movie theaters a minimum of one fully operational audio description device for every two movie theater auditoriums exhibiting digital movies and no less than two devices per movie theater. When calculation of the required number of devices results in a fraction, the next greater whole number of devices shall be provided.

(5) Performance requirements for captioning devices and audio description devices. Each captioning device and each audio description device must be properly maintained by the movie theater to ensure that each device is fully operational, available to patrons in a timely manner, and easily usable by patrons.

(6) Alternative technologies. (i) A public accommodation may meet its obligation to provide captioning and audio description in its movie theaters to persons with disabilities through any technology so long as that technology provides communication as effective as that provided to movie patrons without disabilities.

(7) Compliance date for providing captioning and audio description. (i) A public accommodation must comply with the requirements in

paragraphs (g)(2)–(6) of this section in its movie theaters that exhibit digital movies by June 2, 2018.

(9) Operational requirements. On or after January 17, 2017, whenever a public accommodation provides captioning and audio description in a movie theater auditorium exhibiting digital movies, it shall ensure that at least one employee is available at the movie theater to assist patrons seeking or using captioning or audio description whenever a digital movie is exhibited with these features. Such assistance includes the ability to—

- (i) Locate all necessary equipment that is stored and quickly activate the equipment and any other ancillary systems required for the use of the captioning devices and audio description devices;
- (ii) Operate and address problems with all captioning and audio description equipment prior to and during the movie;
- (iv) Communicate effectively with individuals with disabilities, including those who are deaf or hard of hearing or who are blind or have low vision, about how to use, operate, and resolve problems with captioning devices and audio description devices.

Carnival Corporation Settlement

On July 23, 2015, the United States and Carnival Corporation entered into a Settlement Agreement resolving an investigation into numerous complaints conducted by the United States under Title III of the Americans with Disabilities Act. Among the complaints were allegations that the company failed to: reasonably modify policies, practices and procedures to accommodate individuals with disabilities; ... afford individuals with disabilities the same opportunities to participate in the programs and services, ... and provide effective communication during muster and emergency drills.

Relevant elements of the agreement with respect to access for people who are blind include:

The agreement specifies that the Carnival Corporation (owner and operator of Carnival Cruise Line, Princess Cruises, and the Holland America Line) will not engage in any practice that discriminates against individuals with disabilities in violation of Title III of the ADA. Carnival Corporation will designate an ADA Compliance Officer who will be responsible for compliance across the three brands. Carnival Corporation will also appoint an ADA Responsibility Officer for Carnival Cruise Line and for Holland America Group (which includes Holland America Line and Princess Cruises) who will have responsibility and authority to resolve ADA complaints for the respective brands. In

addition, each covered sailing will have designated ADA Shipboard Officers available to address ADA issues that arise at sea.

Carnival Corporation will hire an ADA auditor to conduct surveys and audit each ship for compliance with the ADA Standards for Accessible Design in areas open to the public and in designated accessible cabins and suites. The ADA auditor will develop a plan to remediate barriers to access on each ship in conjunction with the Company's dry dock schedule, conduct on-site inspections to verify ADA compliance, and file a report annually with the Department of Justice.

Carnival Corporation and the Covered Brands will improve the accessibility of its websites and mobile applications by bringing them into compliance with the World Wide Web Consortium's Web Content Accessibility Guidelines 2.0, Level A and Level AA. In addition, Carnival Corporation has created new standards to ensure ADA compliance. These include:

- Accessibility Requests and Complaint Procedure
- Dissemination of Information Regarding Accessibility
- Training
- Accessible Airport Transfers
- Embarkation and Disembarkation
- Shore Excursions
- Effective Communication
- Dining

The Company's ships include places of public accommodation, inter alia, cabins, dining venues, specialty restaurants, bars and lounges, swimming pools, performance and movie theaters, internet cafes, spas and beauty salons, gymnasiums and outdoor jogging tracks, medical and auxiliary services (i.e., infirmary or medical center), and youth programs. Title III requires that the Company shall not discriminate against individuals on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations at any place of public accommodation.

The Company shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities unless it can demonstrate that taking such steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden. This includes an obligation to provide effective communication to companions who are individuals with disabilities.

"Auxiliary Aids and Services", include: qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision; acquisition or modification of equipment or devices; and other similar services and actions.

"Effective Communication" means communication with persons with disabilities that is as effective as communications with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is afforded to other individuals.

The Company agrees that individuals with disabilities will be afforded the full and equal enjoyment of the Company's goods, services, facilities, privileges, advantages, and accommodations, and will not be excluded, segregated, or otherwise treated differently than individuals without disabilities.

Relevant Websites

https://en.wikipedia.org/wiki/List_of_cruise_lines

www.cruises.com

www.cruise critic.com