



Canadian Hearing Society's Position Paper on Challenges and Issues Affecting Access to Post-Secondary Education for Deaf and Hard of Hearing Students

■ The Issue

Barriers to post-secondary education for Deaf and hard of hearing students can be insurmountable. There has been a significant decline in the enrolment of Deaf and hard of hearing Canadians at post-secondary educational institutions since 2000¹. Factors responsible for this alarming fact include reduced government funding as a result of systemic and policy barriers. During 2013, Gallaudet University and Rochester Institute of Technology - National Technical Institute for the Deaf (RIT/NTID) reported that the number of Deaf and hard of hearing post-secondary students from Canada continued to decline. Disability Services/Access Officers at universities and colleges in several provinces across Canada report that every year the number of Deaf and hard of hearing post-secondary students has declined. One of the most serious repercussions of the steady decline in post-secondary enrolment among Deaf and hard of hearing students is that educational institutions, health and social service agencies serving Deaf and hard of hearing individuals are experiencing increasing difficulty in recruiting qualified staff who are culturally Deaf, oral deaf, deafened or hard of hearing due to the low numbers of applicants.

The Canadian Hearing Society (CHS) is alarmed at this growing trend and of the severe and lasting consequences of the systemic barriers that persist. In response, the CHS has developed this position paper to clearly articulate the systemic barriers at issue, to enumerate recommendations to address said barriers, and to call on key stakeholders for a collaborative and systemic approach to resolving this nation-wide crisis.

■ Canadian Hearing Society's Position

Undue financial hardship and/or discrimination in any form close the door to equal opportunity, a fundamental right of Canadian citizenship and democracy itself. Deaf and hard of hearing post-secondary students have the right to fair and equitable treatment and to participate equally in secondary and post-secondary education. It is the position of CHS that post-secondary educational institutions are responsible for ensuring discrimination-free learning environments. When affordable and equitable secondary and post-secondary education are not readily available, Deaf and hard of hearing post-secondary students experience differential treatment that has the potential to deprive them of career paths and economic independence.

¹ The CHS Status Report on Deaf, Deafened and Hard of Hearing Ontario Students in Post-Secondary Institutions - Statistics, Current Trends, Barriers and Recommendations, February 2004

■ Rationale for CHS's Position

When it comes to Deaf and hard of hearing Canadians, statistics tell us that:

- The number of deaf and hard of hearing persons who receive income support from the Ontario Disability Support Program (Ontario Ministry of Community and Social Services (MCSS) has increased from 2,732 in 2002 to 5,408 in 2014. This represents an increase of almost 70% in 11 years and a cost of more than \$90 million; (MCSS, 2014)
- Almost 40% of Deaf Canadians are unemployed compared to 6.9% of all hearing Canadians (Statistics Canada, April 2014)
- In 2011, the employment rate of Canadians with disabilities aged 25 to 64 was 49%, compared to 79% for Canadians without a disability (Statistics Canada, December 2014)
- Of the 795, 000 working-aged Canadians who are not working but whose disability does not prevent them from doing so, almost half (340,000) have post-secondary education. ("Rethink Disability in the Private Sector", 2013)
- Gallaudet University in Washington, D.C., the world's only liberal arts university exclusively for Deaf students, reports a drop in Canadian students from 119 in 1989 to 32 in 2013 (Gallaudet University Admission, 2013);
- National Technical Institute for the Deaf (NTID), the world's first and largest technological college for students who are Deaf or hard of hearing in Rochester, NY, reports a drop in Canadian students from 96 in 1996 to 18 in 2013 (NTID Admission, 2013);
- Statistics Canada shows that comparatively fewer Deaf and hard of hearing individuals complete secondary or post-secondary education. For example, only 3.1% attain a university degree, compared to 10.2% of the non-disabled population, a figure which falls to 1.7% among those who are profoundly deaf. It is thus not surprising that labour force participation is only 52.1%, compared to 77.9% for non-disabled peers. In addition to the human cost, the inability of Deaf and hard of hearing individuals to fully participate in society incurs a social cost, in the form of decreased productivity and the need for additional social welfare and mental health services.

There are several key challenges and barriers impacting current and prospective Canadian Deaf and hard of hearing post-secondary students:

1. Deaf and hard of hearing youth do not meet academic requirements to enter post-secondary education due to inadequate access to language from birth to 5 years old and a lack of access to language and literacy education while attending pre-school, elementary school, and secondary school;

2. Students who are Deaf or hard of hearing experience higher costs in order to access post-secondary education. Existing financial supports are limited and do not address the true costs of accessing education for these students;
3. A critical shortage of qualified interpreters and CART (Communication Access Realtime Translation) service providers limits student access to programs at the post-secondary level. Post-secondary institutions continue to hire interpreters with inadequate qualifications, subject matter knowledge and skills, which then negatively impacts the student's ability to participate fully in post-secondary education, and can lead to students leaving programs prior to completion;
4. Deaf and hard of hearing students cite attitudinal barriers created by professors and universities/colleges as major factors contributing to their academic frustration and overall lack of access to education in Canada.

Although this list is not exhaustive, these aforementioned four (4) barriers are critical to the access of post-secondary education for Deaf and hard of hearing students. These barriers are examined further below:

1. *Lack of Preparation for Post-Secondary Education due to Lack of Language Access and Equitable Elementary and Secondary Education*

Increasingly, Deaf students attend public schools that are not able to meet their linguistic and academic needs. Students are placed in classrooms where teachers do not use sign language directly with the student to foster language development and academic growth. As well, these classrooms lack a critical mass of Deaf students, so that Deaf students do not have the opportunity to interact with each other in similar ways to children who can hear, and develop language proficiency by *using* language with other children who share their language.

A further challenge arises as students are placed in classrooms with assistants or interpreters when they are not ready for an indirect educational experience. The problems are exacerbated when the assistants and/or interpreters do not possess the sign language fluency, interpreting abilities and knowledge of educational processes to provide meaningful inclusion for the Deaf student. The result of an inadequate education during the formative years is that the student does not acquire the linguistic and academic skills necessary for transition to a post-secondary institution. Students then leave school early or must engage in significant academic upgrading to qualify for further education. Finally, many Deaf students report that they receive little or no meaningful guidance counselling during their high school years to help them prepare for post-secondary application processes (Deaf Literacy Initiative Deaf Workforce, National Research Project, 2011).

In her research studies (2004, 2008, 2014), Dr. Debra Russell, Director, Western Canadian Centre for Deaf Studies and President, World Association of Sign Language Interpreters, noted that access to the classroom/school information from teachers and peers is available to hearing students. Such information is equally important to the success of Deaf and hard of hearing students. However, there are no standard qualifications for interpreters working in Canadian schools. In fact, there is a misguided assumption that interpreting for students is a good environment for novice interpreters. Research proves this is a fallacy. There is clear evidence in the literature that interpreters in schools need to be skilled beyond that of a typical qualified

community interpreter. It is suggested that educational interpreters need to understand child language acquisition, styles of discourse, the curriculum and how children learn, different approaches to teaching and how they can impact the language and learning environment, and how interpreters are influenced by the pace and manner in which teachers present material. Research has shown that most interpreters do not have the qualifications to facilitate the learning of academic content and language. It has been shown that these interpreters cannot provide students with the same experiences, either learning or social, as their hearing peers.

The evidence about mediated education, via an interpreter, in post-secondary settings is compelling. While the interpreters may be very talented and appropriate for the post-secondary classroom, Deaf students have reported that they are never truly included in the university experience: they cannot engage in direct conversations with their professors and peers; working on group projects means scheduling interpreters outside of class; and university events such as Pride Week, visiting lectureships, student government events, are not accessible. Most public institutions try to meet their accommodation obligations required by provincial human rights legislation, but the reality is that institutions most often are not able to financially afford the accommodation for these events.

The other sobering reality is that watching an interpreter for a three-hour class is a very cognitively draining experience. Most interpreters are not native sign language users, and many of them struggle with the context and complexity of university subjects. When interpreters struggle, the impact is that interpretation does not follow ASL grammar. There may be significant omissions of key content, and the pace of the information means that the Deaf student is not able to make sense of the patterns and pace of the sign language, so that in the end they do not have full access to the information. Students in this position may then have to resort to extra reading to compensate for the interpretation challenges, and/or they may require tutoring to address the gaps created by the lack of appropriate interpretation. In a direct education model, watching a fluent professor means that the language is used in a natural way, that supports ease of understanding.

2. Deaf and hard of hearing students experience higher costs to access post-secondary education.

a. Unfair Canadian Student Loan Program(CSLP) /Provincial Student Assistance Program Policies

The first need is to equalize the cost of post-secondary education for Deaf and hard of hearing students with the cost incurred by non-disabled post-secondary students. Financial provisions need to take into account the longer time it takes Deaf and hard of hearing post-secondary students to complete their studies, plus the desire for some Deaf post-secondary students to attend specialized post-secondary education programs such as those at Gallaudet University in Washington, DC and Rochester Institute of Technology-National Technical Institute for the Deaf (RIT/NTID) in Rochester, NY. The disparity between the cost of education becomes very clear when comparing the typical cost of a university education for non-disabled students studying in Ontario and the cost for students with disabilities who typically require five or six years to complete their studies.

Students with disabilities, including Deaf students, who require additional time to complete their degree or diploma experience higher student/family costs while paying for a longer period of education in order to achieve a degree comparable to that achieved by other students over a much shorter period.

Because student debt is based on the time taken to complete a degree or diploma, such students carry into their working life a discriminatorily higher student debt under the Canadian Student Loan Program (CSLP). Deaf students are declining to enter, or prematurely leaving post-secondary education because they are unable to assume such heavy debt obligations to get a college or university education. This issue has been the subject matter in a case still ongoing before the Superior Court of Justice – Ontario (the application is dated June 28, 2007). The case of *Simpson v. Attorney General (Canada)* involves a constitutional challenge to the CSLP to address the substantive inequality that is created due to increased costs of disability-related accommodation needs.

b. International Surcharge in USA

Support services in Canadian post-secondary education continue to be unavailable to or extremely limited for, Deaf students. This can result in taking from seven to ten years for them to complete their studies. In the end, these students might have “the same” education as their hearing peers, but this education could not be considered “equal”. The potential for “equal” and “quality” education within a reasonable timeframe is available to Canadian post-secondary students at American universities. However, when faced with government financial policies of student loans rather than grants, most hesitate to incur that level of debt. This constitutes a form of discrimination.

Currently, a tuition surcharge of 100% is applied to international students enrolling at Gallaudet University and RIT/NTID; it costs Canadian students double what American students pay for tuition fees.

In 1994, at the special convocation for South African President Nelson Mandela, the U.S. Congress and the President of Howard University announced the rescinding of the tuition surcharge that had been imposed on international students at Howard University. The removal of the tuition surcharge has made it possible for Howard University to recruit a larger number of international students.

Despite being signatories to the United Nations Convention on the Rights of Persons with Disabilities and the removal of Howard University’s tuition surcharge for international students, Gallaudet University and RIT/NTID, funded by the U.S. Congress, still impose surcharges for international students who are Deaf and hard of hearing.

It is recommended that American and Canadian governments develop an agreement to remove the international surcharge on enrolment in specialized U.S. universities/colleges e.g., Gallaudet University and RIT/NTID. This would reduce the financial impact caused by changing financial policies (e.g., changing from grant to student loan) of the provincial and federal governments across Canada and highlight their ability and willingness to sponsor students to attend Gallaudet University and RIT/NTID.

The increased time to graduate and the increased cost of graduation is further exacerbated by the fact that these students are prevented from entering the work force – along with the financial gains that it would afford -- within the same timeframe as their hearing peers.

3. *A critical shortage of qualified interpreters and CART service providers in Post-Secondary Education across Canada*

At this time in Canada, there is a shortage of interpreters to meet the growing demand for services, and as Deaf and hard of hearing students pursue diverse areas of study, the demand for interpreters with advanced education and skills also represents a challenge. For example, a Deaf medical student was asked to defer studies for one year in order to put in place a qualified team of interpreters. Interpreters are even recruited from the U.S. on temporary work visas in order to provide interpreting services at Canadian institutions. These examples highlight some of the challenges facing Deaf students who want to attend post-secondary education and access qualified interpreting services.

4. Attitudinal Barriers Created by Professors and University/College Personnel

Students and access coordinators continue to report challenges that occur when some professors and instructors encounter Deaf or hard of hearing students, ranging from subtle forms of discrimination to more obvious examples. Professors have asked Deaf students to sit at the back of the lecture hall, so that the interpreter didn't distract other students, and have told Deaf students that they won't have interpreters and/or CART in the "real world" so why have them here. These attitudinal barriers create a hostile environment for students and detract from their overall college/university experience. Further, these examples indicate a lack of awareness of the human rights of students with disabilities to be accommodated in post-secondary settings.

■ CHS Recommendations for Action

There is an urgent need for collaborative and targeted action to develop a coordinated response to address these serious barriers facing Deaf and hard of hearing students in order to ensure equitable and meaningful access to education. CHS makes the following recommendations as the primary objectives for collaborative and targeted action:

1. Expand school-to-work and higher education transition programs in high school, university and college program(s) (e.g. Year Transition Program) serving Deaf and hard of hearing post-secondary students in Canada;
2. Establish career support and consultation services for Deaf and hard of hearing prospective and current post-secondary students who require information, career support and case management support;
3. Provide support services to Canadian Deaf and hard of hearing students attending post-secondary institutions in the United States e.g., Gallaudet University and/National NTID;
4. Review and reduce undue financial hardship and make affordable, responsive, fair and equitable Canadian Student Loan Program/Provincial Student Assistance programs and policies for Deaf and hard of hearing post-secondary students. The focus of this review will include the prolonged time necessary to complete one's studies due to communication access issues, and for students studying in the United States, the issue of currency exchange rates and the high costs of foreign student tuition fees will be considered;
5. Develop at least one Canadian university program that prepares teachers to work with signing Deaf students thereby improving the quality of education in the kindergarten to high school years which ultimately determines student readiness for post-secondary institutions;

6. Expand post-secondary programs that address ASL/Deaf Studies or LSQ/Deaf Studies. These programs are the prerequisites to interpreter programs and therefore will increase the number of students going on to study interpreting in Canada;
7. Expand the pool of qualified CART providers in Canada through CART outreach, education and training programs;
8. Negotiate with key policymakers responsible for international surcharges and key federal/provincial/territorial government stakeholders to seek acceptable solutions to assist Canadian post-secondary students attending Gallaudet University and RIT/NTID;
9. Establish mechanisms to ensure the highest standards and best practices for interpreting and CART service provision in post-secondary education settings;
10. Implement attitudinal awareness training for education and post-secondary education personnel (e.g., audism and ableism), to identify and remove attitudinal barriers for all students who are Deaf or hard of hearing.

In order to implement and achieve these recommendations, a collaborative strategy amongst key stakeholders must be undertaken. The CHS has identified the following stakeholders as integral to finding solutions:

- Post-secondary education service providers including student recruitment services, disability services/access services, faculty advisors, senior administrators, and student government leaders;
- College Committee on Disability Issues (CCDI), Inter-University on Disability Issues Association (IDIA), Association of Universities and Colleges of Canada, Association of Canadian Community Colleges, Colleges Ontario, Council of Ontario Universities; Ontario Confederation of University Faculty Associations, Canadian Association of University Teachers;
- Canadian Association of Disability Service Providers;
- Training programs for CART providers (as of the date of this paper, there is only one Canadian program);
- Training programs for sign language interpreters;
- Provincial, territorial and federal governments e.g., Ministry of Education, Ministry of Training, Colleges, and Universities/Advanced Education across Canada, Council on Ministers of Education--Canada (CMEC);
- Legislators and regulators e.g., Federal and Provincial Minister(s) and deputy minister(s) responsible for Post-Secondary Education, Student Loan Assistance Program;
- Canadian Federation of Students (CFS);
- National Educational Association of Disabled Students (NEADS);
- National and provincial consumer organizations representing Deaf and hard of hearing consumers;
- National and provincial professional organizations representing interpreters and/or CART providers.

■ Relevant Resources

In addition to moral and ethical considerations, there is existing legislation, significant legal decisions, and independent research reports that support CHS's position. Several of these are briefly described below:

United Nations Convention on the Rights of Persons with Disabilities [2007]

Canada and 151 other Member States and the European Community signed and ratified this landmark new Convention at the United Nations. The treaty aims to eradicate discrimination against persons with disabilities in all areas of life including employment, education, health services, transportation and access to justice. The Convention requires States Parties to acknowledge sign language, promote the linguistic identity of the Deaf community, and provide sign language interpreters among other issues relating to people who are Deaf.

Howard v. University of British Columbia [1993]: One of the early human rights cases involving post-secondary education services to the Deaf was Nigel Howard's case. In *Howard*, the British Columbia Council of Human Rights decided that the University provided educational services, and hence was a service customarily provided to the public. The Tribunal ruled that the funding for interpreters was a matter of control within the University, and that the failure to provide sign language interpretation amounted to discrimination as the University did not appropriately accommodate the Deaf student. There was no evidence to support a defence of undue hardship.

Eldridge v. British Columbia (Attorney General) [1997]: The Court ruled that it is the responsibility of governments to provide sign language interpreting. While *Eldridge* dealt specifically with the right to sign language interpreting in the health care system, the principles set out apply more generally to services provided by government, or provided by non-government organizations carrying out specific government objectives.

Ontario Human Rights Commission's Guidelines on Accessible Education [2004]: This policy document written by the Ontario Human Rights Commission applies to the educational context. This document is intended to provide guidance to support education providers and students with disabilities in the fulfillment of their duties and rights under the *Human Rights Code*. The Guidelines provide clarification with respect to the following areas: the applicability of the principles of accommodation within the education context; creating a welcoming environment for all students; the right to confidentiality and the disclosure of information; appropriate accommodation planning and procedural obligation; the undue hardship standard; and the roles and responsibilities of all parties involved in the accommodation process.

Moore v. British Columbia (Ministry of Education) [2012] 3 S.C.R. 360: The Supreme Court of Canada found that a school board was liable for discrimination pursuant to statutory human rights legislation because they did not provide appropriate accommodations to a student with severe learning disabilities. The Court found that the school board did not provide the student meaningful access to education services, and they arrived at that conclusion by applying a highly individualized duty to accommodate analysis. This is the first decision from the Supreme Court of Canada that considers public education services and disability accommodation within a statutory human rights framework. Although it does not consider post-secondary education, it provides guidance on how academic accommodations are to be considered.

For more information please contact CHS Information Officer at the Canadian Hearing Society. Phone: 1-877-347-3427, TTY 1-877-347-3429 and e-mail info@chs.ca or visit us on the web at chs.ca.