Beyond Ableism and Audism:
Achieving Human Rights
for Deaf and Hard Of Hearing Citizens

THE CANADIAN HEARING SOCIETY
LA SOCIÉTÉ CANADIENNE DE L'OUÏE

BEYOND ABLEISM AND AUDISM:

**ACHIEVING HUMAN RIGHTS
FOR DEAF AND HARD OF HEARING CITIZENS**

Presented To:

**The Canadian Hearing Society
Barrier-Free Education Initiatives**

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Table of Contents

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An Overview

This document provides the background necessary to understand the dynamics of *ableism* and *audism* as they affect the lives of deaf and hard of hearing individuals. Part I of this document presents expanded definitions of these forms of discrimination; Part II summarizes and presents excerpts from the relevant international, national and provincial policies, laws, and statements which strive to protect the rights of deaf and hard of hearing persons. The effort to recognize and reduce the effects of ableism and audism is aligned with similar efforts to reduce racism, sexism and heterosexism in education. An anti-ableist and anti-audist education is integral part in the process toward providing a more equal and just education for all of Canada's citizens. In the end, everyone benefits, whether Deaf, oral-deaf, hearing, hard of hearing, their friends and their families.

While this document provides an overview of the policy and legal protections for deaf and hard of hearing people, actual protections of human rights take more than policy. They take a commitment on the part of individuals, families and the institutions. They require fundamental shifts in perception to appreciate that the limitations experienced by many deaf and hard of hearing people are not rooted in hearing-loss, but in the barriers present in a society not designed according to their visual orientation and auditory enhancement needs. Deaf and hard of hearing citizens are no less human, no less capable than their hearing counterparts. They deserve to be treated with the dignity all humans deserve.

As a part of the effort to reduce ableism and audism, The Canadian Hearing Society provides education, training, and workshops. For more information, see:
http://www.chs.ca/index.php?option=com_content&view=article&id=499&Itemid=568&lang=en

A Note on Language Use: Defining the Population
For the purposes of this document, the term "deaf", unless otherwise indicated, will be used in its most inclusive sense to include those who identify as culturally Deaf, oral deaf, deafened, hard of hearing, or some combination of these identities; however, differences in their linguistic and cultural identities will be highlighted in this paper – i.e. linguistic and culturally Deaf individuals generally use a different language, a signed language, and perceive themselves as members of a linguistic and cultural minority while oral deaf, deafened, and hard of hearing individuals do not tend to perceive themselves as members of a cultural and linguistic minority. Nevertheless, deaf individuals from every background are susceptible to audism, though it may manifest in unique ways depending on linguistic and cultural background as well as diverse language and communicative needs. For example, the vast majority of hard of hearing and oral deaf students do not use a signed language but, rather, their needs are accommodated by a broad array of communication supports including amplification and text based alternatives.

Deaf: This term is generally used to describe individuals with a severe to profound hearing loss and with little or no residual hearing. Some deaf people use signed languages, such as American Sign Language (ASL) or Langue des signes quebecoise (LSQ) to communicate while others use spoken languages, such as English and French to communicate.

Culturally Deaf: This term refers to individuals who identify with and participate in the language, culture, and community of Deaf people. Here, hearing loss and deafness are not perceived from a pathological point of view, but rather from a socio-cultural point of view, indicated in Canada by the use of an upper case D when specifying Deaf culture, Deaf community, Deaf individuals/people, etc. In addition to using ASL and LSQ, Deaf people commonly use speech and speechreading as well as gestures to communicate with people who do not know their signed languages.

Deafened: This term describes individuals who grow up hearing or hard of hearing and, either suddenly or gradually, experience a profound loss of hearing. They generally know and use spoken language but, to receive language, they may use speech accompanied by visual cues such as captioning or computerized note-taking, develop and speechreading skills and sometimes learn a signed language.

Hard of Hearing: This term is used to describe individuals who use spoken language and can generally take advantage of residual hearing. They can usually take advantage of residual hearing, often use hearing aids and other communicative devices, may develop speechreading skills, and, sometimes, learn signed language. The term "person with hearing loss" is increasingly used and preferred by this constituency.

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Part I:
Introducing Ableism and Audism

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1. Key Concepts:

1) Medical, Social and Cultural Models
2) Ableism
3) Audism
4) Linguicism

1.1 *Medical, Social, and Cultural Models*

"Disability" is typically understood as a condition which deviates from normal physical, cognitive and/or psychological functioning, resulting in diminished opportunities and quality of life. In this view, disability is a biological fact intrinsic to the individual which often warrants medical intervention and rehabilitation to increase one's quality of life. This common perception is known as the *medical model of disability*.

In contrast, the *social model* recognizes that the "problem" of disability is not exclusively attributed to a condition, but rather from the social and environmental barriers which exclude persons with disability from full participation in society. This view recognizes that the larger economic, social and environmental conditions have a profound impact on determining the limitations of a particular physical or psychological variation. While the medical model focuses on fixing the person with a disability, the social model focuses on fixing the society which creates unnecessary barriers.

Often, the removal of social barriers benefits not just the few persons with disabilities, but rather all members of society. For example, sidewalks without curb cuts prevent persons using wheelchairs from access to commerce and services vital to full participation in society. Once this barrier is removed by installing curb cuts, everyone benefits, from persons in wheelchairs to parents with strollers and the elderly.

The distinction between the medical and social models of disability is relevant to deaf individuals. The medical model sees deafness as a disability with profound implications on the development of literacy and social interaction. The social model, on the other hand, demonstrates that in environments with access to visual language, deaf individuals may develop linguistic skills and social interaction without barriers.

Yet, when deaf individuals congregate, another model emerges—the *cultural model*. The cultural model emerged in the 1970s as a result of the scientific validation that signed languages were every bit a human language as spoken languages. This correction of thousands of years of misunderstanding of the nature of language shifted the self-perceptions among sign language using Deaf people who began to see themselves as members of a linguistic and cultural minority, replete with a shared language, history, cultural traditions and unique ways of being centered on a visual orientation in the world.

There is much debate as to whether a *hard of hearing culture* exists. The distinction between oral deaf, deafened, and hard of hearing pertains to how one self-identifies and how one communicates. For example, some identify as having a 'hearing loss' from mild to profound while others may identify as hard of hearing but not people with a 'hearing loss' because they were born hard of hearing. Whatever the case, these individuals tend to use a variety of communication supports such as hearing aids (including cochlear implants) and other assistive technology, residual hearing, speechreading, captioning and other forms of text-based alternatives. Although they have common communicative challenges within society and some know a signed language, they generally use the spoken language of the community and do not generally perceive themselves as members of a linguistic and cultural minority.

Hard of hearing, oral deaf, and deafened people have not tended to seek each other out; however, there is a growing *community* who have connected with each other online and through consumer organizations such as The Canadian Hearing Society (CHS), the Canadian Hard of Hearing Association (CHHA), Voice for Hearing-Impaired Children, the Alexander Graham Bell Association for the Deaf and Hard of Hearing, the International Federation of Hard of Hearing People (IFHOH) and the Association of Late Deafened Adults (ALDA). Regardless of their ideology, these organizations have been instrumental in raising awareness and creating informed consumers who seek to have their communication needs met. In the case of oral deaf, deafened, and hard of hearing individuals, the issue is having access to the spoken language of the community – generally through text-based alternatives presented simultaneously with an oral or signed presentation.

This population may not apply the "disabled" label to themselves, although considering the three models of disability presented above, may see themselves fitting into the medical model because they seek the care of physicians and audiologists and they use technical interventions such as hearing aids in order to live as successfully as possible within the "hearing world". In addition, a growing number ascribe to the social model of disability, especially those connected to organizations such as the Canadian Hard of Hearing Association and The Canadian Hearing Society which are dedicated to raising society's awareness of its responsibility for eliminating economic, social and environmental barriers.
(See **Box 1** for further readings on the medical, social, and cultural models)
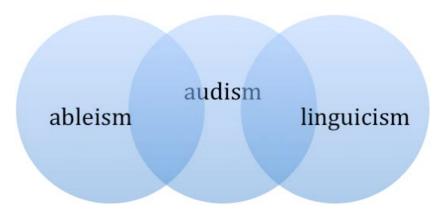
The three models are derived from deeper frames of reference. The medical model manifests when the body is seen through the *frame of normalcy.* Since the mid-19th century, statistics and medicine have determined standards of normal biological functioning which could be mapped into the Bell Curve, with deviations of normal behavior on either side of the norm. Proponents of the social model view identity through frame of *social construction* which contends that such measurements do not take into consideration the entire social and political influences which shape the course of human development. The cultural model adds to the social model as it is derived through a larger frame of *biocultural diversity*, which, taking cues from the notion of biodiversity,

contends that variation is actually the primary indicator of health, whether of an ecosystem or a society. In this light, deaf people are not seen for what they lack, but from how they contribute to the larger diversity of humanity. In contrast to the medical model, the biocultural model states that diversity rather than statistical normalcy is the real norm.

The distinction between medical, social, and cultural models is key to understanding the following key terms, *ableism*, *audism* and *linguicism*. Audism may be seen as both a subset of ableism and of linguicism, thus forming its own unique dynamic of discrimination.

Figure 1: Relationship of Discriminatory Practices

Box 1

   For further reading on the medical and social models of disability, see:

Charlton, James I. Nothing About Us Without Us: Disability Oppression and Empowerment. Berkeley: University of California Press, 1998.

Shapiro, Joseph P. No Pity: People with Disabilities Forging a New Civil Rights Movement. New York: Times Books, 1993.

Wendell, Susan. The Rejected Body: Feminist Philosophical Reflections on Disability. New York: Routledge, 1996.

World Health Organization. International Classification of Functioning, Disability and Health: ICF. Geneva: World Health Organization, 2001.

For further reading on the cultural experiences of Deaf individuals:
   Humphries, Tom. "Talking Culture and Culture Talking." Open Your Eyes: Deaf Studies Talking. Ed. H-Dirksen L. Bauman. Minneapolis: University of Minnesota Press, 2008. 35-41.

Ladd, Paddy. Understanding Deaf Culture: in search of Deafhood . Clevedon, UK; Buffalo: Multilingual Matters, 2003.

Lane, Harlan, Robert Hoffmeister and Ben Bahan. A Journey into the Deaf-World. San Diego, CA.: DawnSignPress, 1996.

Padden, Carol and Humphries, Tom. <u>Deaf in America: Voices from a Culture</u>. Cambridge, MA: Harvard University Press, 1988.

—. <u>Inside Deaf Culture</u>. Cambridge, MA: Harvard University Press, 2005.

Padden, Carol. "The Decline of Deaf Clubs in the Untied States: A Treatise on the Problem of Place." <u>Open Your Eyes: Deaf Studies Talking</u>. Ed. H-Dirksen L. Bauman. Minneapolis: University of Minnesota Press, 2008. 169-176.

1.2 *Ableism*

The following discussion of Ableism is excerpted from the *Encyclopedia of Disability,* p. 1-4, written by Sandra Levi [2006].

Ableism describes prejudicial attitudes and discriminatory behaviors toward persons with a disability. Definitions of ableism hinge on one's understanding of normal ability and the rights and benefits afforded to persons deemed normal. Some persons believe it is ableism that prevents disabled people from participating in the social fabric of their communities, rather than impairments in physical, mental, or emotional ability. Ableism includes attitudes and behaviors emanating from individuals, communities, and institutions as well as from physical and social environments.

HISTORY

The term ableism evolved from the civil rights movements in the United States and Britain during the 1960s and 1970s, but prejudice and discrimination against persons with a disability has existed across the globe and throughout history. During the civil rights era, disability activists transformed religious and scientific understandings of disability into a political paradigm. In religious and scientific paradigms, disability is an individual characteristic. The disabled individual bears primary responsibility for enduring or remedying the disability through prayer in the religious paradigm or through medical intervention in the scientific paradigm. Although disabled persons are sometimes isolated from nondisabled persons, the dominant theme in both religious and scientific traditions is that non-disabled persons should behave compassionately toward disabled persons. From the civil rights perspective, often called a minority oppression model, society creates disability by creating physical and social environments hostile to persons different from the majority or "abled" culture. *Ableism* has become a term used to describe "the set of assumptions and practices that promote unequal treatment of people because of apparent or assumed physical, mental, or behavioral differences" (Terry 1996:4–5).

MANIFESTATIONS OF ABLEISM

Discriminatory attitudes and practices that promote unequal treatment of disabled persons share many similarities with the discrimination against other minority groups. Discrimination may be direct or indirect, legally or culturally encoded, based

on scientific norms or based on false assumptions. Stereotyped notions of the minority group, whether chosen by an individual or ascribed to an individual by others, may prevent members of the majority group from even perceiving individual characteristics. Common components of ableism include lowered expectations, normalization as beneficence, limitations in self-determination, labeling, and eugenics.

LOWERED EXPECTATIONS

Expectations refer to beliefs about probable future occurrences based on current observations. Expectations of parents, teachers, employers, and others often influence one's self-concept and one's achievement. Research demonstrates correlations between high expectation and high achievement among students in elementary though higher educational settings, as well as correlations between low expectation and low achievement. Moreover, research demonstrates that the younger the person, the stronger the influence of expectations held by others. The consequences of low expectation are particularly pernicious when those forming expectations erroneously evaluate ability and when they assume that low achievement in one performance domain automatically transfers to low achievement in other performance domains. For example, children with speaking impairments are often erroneously assumed to have more difficulty learning than those who are easily understood.

Two areas of lowered expectations receive special attention in the disability literature and in public policy: education and employment. Across continents, many nations prohibit certain forms of discrimination in educational and employment opportunity. In the United States, the Individuals with Disabilities Education Act [1975, 1997] requires schools to provide "free and appropriate education for all students and the Americans with Disabilities Act (ADA, 1990) provides employment protections for qualifying persons with disability. In Australia, the Disability Discrimination Act [1992] supports nondiscrimination in education and training and the Disability Services Act [1986] provides that a person with disability has a right to achieve his or her individual capacity for physical, social, emotional, and intellectual development. In the United Kingdom, the Disability Discrimination Act [1995] prohibits employer discrimination against disabled persons in recruitment, employment conditions, training, and promotion. One limitation of these and similar acts in other nations is that they cannot adequately protect persons from unspoken judgments of inadequacy that follow a person throughout childhood and adulthood. Ableism manifested by lowered expectations in education may be remedied in several ways. Hehir [2002] wrote at length about policies to reduce ableism in schools. He asserted that children with learning disabilities should have access to the rest of the curriculum even if evidence suggests that reading and writing will always be weak. He proposes the elimination of policies in which schools are allowed to exclude the performance of children with disabilities from overall school performance. Laws with this type of exclusion reinforce lower expectations, and consequently lower achievement, of children with disability.

NORMALIZATION AS BENEFICENCE

Ableism is manifest whenever people assume that normal physical, mental, and emotional behavior is beneficial regardless of a person's actual physical, mental, and emotional attributes. Especially when strong research evidence supports alternate conclusions, the equating of normal with desirable may be harmful to disabled persons. For example, educators and parents may assume that deaf children will better negotiate the hearing world with oral language than with language (e.g., sign language). A large body of research, however, demonstrates that deaf children make greater educational achievements when manual, rather than verbal, language skills are emphasized. Language provides organization for the acquisition and utilization of knowledge. It is therefore logical that an emphasis of oral language over manual language would be detrimental to most deaf children. Normalization may be particularly noxious when persons without disability assume positions of power over persons with disability.

LIMITATIONS IN SELF-DETERMINATION

Self-determination describes the right and the responsibility of people to make decisions for themselves. Self-determination includes freedom to associate with whomever one chooses, authority to control money owned by or used to purchase services for oneself, autonomy to be the boss of one's own life, and assuming responsibility for the consequences of one's decisions. Self-determination is an internationally endorsed value. The United Nations General Assembly adopted the "Universal Declaration of Human Rights" in 1948. This document affirms that the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." A problem is that these inalienable rights have often been group of persons endorses self-determination among most group members but restrict or inhibit disabled persons from making basic life choices. Even when legal codes establish the rights of disabled persons to exercise the same rights of self determination that are afforded to abled persons, disabled persons often are not able to exercise their rights to self-determination in education, employment, transportation, housing, medical decision making, and social interchange. These rights may remain inaccessible to disabled persons due to inaccessibility of physical and social spaces, limited financial resources, and disabling attitudes.

LABELING

Labeling a person as "disabled" required a judgment, usually by a professional, that an individual's behaviors are somehow inadequate, based on that professionals' understanding of community expectations about how a given activity should be accomplished. Professionals typically consider methods used by "abled" person of the same age, sex, and cultural and social environment, to accomplish a task to be normal, and all other methods to be abnormal. A problem with this interpretation of disability is the duality of categorization. People are either "disabled" or "abled." "Abled" persons set the criteria for the categorizations, and "abled" persons make the judgments that assign people to one of the two categories. The label "disabled"

implies inadequacy as a person. The social meaning of a classification often more strongly influences the daily life of a labeled person than the characteristics that cause the person to meet the classification criteria. When a label carries positive social meaning, the labeled individual may experience expanded opportunities. When the label carries negative social meaning, opportunities often contract. The label "disabled" carries negative social meaning. In the United States, the authors of the ADA recognized the seriousness of the negative consequences of being thought of as "disabled." The ADA protects persons thought of as "disabled" equally to persons who otherwise meet the criteria for disability under the act. Few other countries have enacted laws to address disadvantage that results from simply being called "disabled."

EUGENICS

Eugenics may be defined as development and improvement of the human race. Eugenic methods include preventing persons deemed deviant and defective from being born, preventing persons born deviant or defective from reproducing, and isolating persons deemed deviant and defective through institutionalization or murder. The systematic killing of disabled children by the Nazi regime in Germany during World War II illustrates an extreme form of ableist behavior. The identification of the human genome (entire genetic makeup of human beings) facilitates selective abortion based on ableism. Selective abortion is a contemporary form of eugenics. Societies that permit abortion for fetuses likely to be born disabled, but do not permit abortion for those likely to be born abled, invalidate the lives of disabled persons.

Box 2

For further reading on ableism, see especially:

Davis, Lennard. The Disability Studies Reader 3rd Edition. Routledge, New York: 2010.

Campbell, Fiona Kumari. Contours of Ableism: The Production of Disability and Abledness. New York: Palgrave Macmillan, 2009.

Hehir, Thomas. New Directions in Special Education: Eliminating Ableism in Policy and Practice. Cambridge, MA: Harvard Education Press, 2005.

1.3 *Audism*

Like ableism, audism is a form of discrimination based on lack of accommodation of physical difference. As identified by The Canadian Hearing Society's "Position Paper on Discrimination and Audism" [2007]:

Culturally Deaf, oral deaf, deafened, and hard of hearing Canadians continue to experience discrimination in the workplace and when accessing vital services that most Canadians take for granted such as education, employment, health care, and housing. Discrimination is a sad reality for all people with disabilities, and in the

*case of people who are culturally Deaf, oral deaf, deafened, or hard of hearing, such discrimination may also be rooted in **audism,** a key term that we describe in more detail below.*

The Canadian Hearing Society (CHS) Position on the Issue:

Discrimination in any form closes the door to equal opportunity, a fundamental right of Canadian citizenship and democracy itself. Culturally Deaf, oral deaf, deafened, and hard of hearing Canadians have the right to fair and equitable treatment, to participate equally in the workplace, and to communicate fully and freely with businesses, non-profit organizations and government. It is the position of CHS that both the public, private, voluntary and not for profit sectors be responsible for ensuring discrimination-free environments.

In order to work toward such non-discriminatory environments, this document presents the context for understanding audism.

HISTORY

The term *audism* was coined in 1975 by Tom Humphries to name the discrimination against persons who are deaf. According to Humphries, *audism* would appear in a dictionary as the following: **audism** *(o diz m) n. The notion that one is superior based on one's ability to hear or behave in the manner of one who hears.* The primary manifestations of audism, Humphries [1975] noted, is "in the form of people who continually judge deaf people's intelligence and success on the basis of their ability in the language of the hearing culture." . . . As Humphries defines it, *audism* is a set of beliefs held by individuals (either hearing or deaf) that stem from the common assumption of the superiority of hearing over deafness. . . .

It was not until the 1990s that the term *audism* appeared in several publications, beginning with Harlan Lane's 1992 *Mask of Benevolence*, where Lane defined *audism* as "the corporate institution for dealing with deaf people … [it] is the hearing way of dominating, restructuring, and exercising authority over the deaf community" (p.43). . . . Since the beginnings of deaf education and the science of audiology, Lane demonstrates, educational and medical institutions have assumed authority over deaf persons, claiming to act in their best interests while not allowing them to have a say in the matters that concern them the most. Lane's analysis has added this important historical and systemic perspective to the notion of audism.

A third perspective was then added to the scholarship on audism, which focuses on the root of the discrimination of deaf people and signed languages: the assumption that language and speech are interchangeable concepts (Bauman, 2004, 2008). This misunderstanding about the nature of human language has led to centuries of denigration of manual languages. However, we now know that the human brain is equally equipped to produce signed and spoken languages. For the brain, modality is not an issue when it comes to processing language. (Petitto, 2000).

Hannan (2010)[1] found that people with hearing loss who are oral (use speech) are not familiar with the term 'audism'. Many are not comfortable with the term, feeling that it was coined by and refers to Deaf people, and that its use by hard of hearing people may be considered cultural appropriation.

Oral deaf and hard of hearing people often resent being viewed as being part of the Deaf community which is often the result of a mainstreamed confusion about the provision of accommodation. In addition, the hearing population can be puzzled by the myriad of communication options and communication supports resulting in situations where a needed accommodation is attempted, but falls short. For example, non-signing people with hearing loss regularly arrive at events advertised as accessible expecting appropriate amplification or text-based access, only to find a signed language interpreter standing by but no captioner or amplification technology.

MANIFESTATIONS OF AUDISM

Manifestations of ableism described by Levi in the *Encyclopedia of Disability* are of equal relevance to deaf and hard of hearing individuals as they are to all persons with disabilities.

LOWERED EXPECTATIONS

Hearing educators have historically held low expectations for the potential of deaf individuals, especially with regards to literacy development and employment. Deafness in itself does not impair cognitive development. Those Deaf individuals with early access to a visual language often become proficient in written English and American Sign Language. However, the education system does not support unfettered learning for all deaf individuals.

Dr. Carol Musselman of the Ontario Institute for Studies in Education at the University of Toronto put it well in a 1998 letter to then Minister of Education and Training David Johnson:

D/deaf and hard of hearing individuals are disadvantaged educationally and vocationally. Information from Statistics Canada shows that few D/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 is only 52% compared to 77.9% for non-disabled peers. In addition to the human cost, the inability of D/deaf and hard of hearing individuals to fully participate in society incurs a social cost in the form of

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[1] In order to gain the often overlooked perspective of hard of hearing and oral deaf individuals in relation to audism and discrimination, Gael Hannan did a limited qualitative inquiry using an online survey and a focus group. She collected ideas and personal experiences by soliciting participation from approximately 40 hard of hearing and oral deaf people from across Canada and the United States. 24 email responses were received. The findings of these data sources are cited here as Hannan 2010.

decreased productivity and the need for additional social welfare and mental health services" (The Canadian Hearing Society, 2004).

NORMALIZATION AS BENEFICENCE

Deaf persons who use a signed language have also been the focus of normalizing efforts in education, as cited by Levi (See page 9 of this document), as well as through medical and technological interventions that seek to approximate hearing norms of communication at the expense of taking advantage of visual language which have been shown to demonstrate cognitive, creative and cultural gains. The enormous amount of time spent on rehabilitation efforts at a young age and beyond could be devoted to learning content and world knowledge through an accessible education (Bauman, 2008; Lane, 1992; Lane, Hoffmeister, Bahan, 1996; Bauman and Murray, 2010).

Unlike Deaf persons, hard of hearing individuals can take advantage of technology to the extent that they benefit greatly from communicative devices. This is not to lessen their need to have access to visual communication such as text-based alternatives to provide full access to spoken language.

LIMITATIONS IN SELF-DETERMINATION

Historically, Deaf individuals have not been afforded self-determination, especially with regards to education, this being one of the most profoundly discriminatory practices of oralism, which effectively removed Deaf teachers from Deaf education and administration in the early 20th century (Lane, 1992). Organizations and institutions that provide services for deaf individuals should clearly have top-level administrators who are themselves deaf. Normalization may be particularly noxious when persons without disability assume positions of power over persons with disability.

LABELING

Labeling of deaf individuals has historically focused on what they cannot do—i.e. hearing impaired, deaf and dumb, etc. In order to reclaim an identity separate from the pathological model, members of the deaf community have suggested alternatives, including the concepts of Deafhood (Ladd, 2003) and Deaf-gain (Bauman and Murray, 2010).

EUGENICS

The eugenics movement included the drive to eradicate deafness, a goal which is still very much alive today, through genetic testing, pre-implantation genetic diagnosis, and genetic therapies in the testing phases. (Hubbard, 2006; Ekberg, 2007; Berube, 2004) To many, the goal to minimize the condition of deafness would seem laudable and worthy of pursuit. However, to many deaf individuals, being deaf is not a medical condition in need of a cure, but a unique way of being in the world that contributes to a more robust view of human diversity.

In addition to the shared manifestations of ableism and audism, there are some issues which are mostly germane to the experiences of deaf and hard of hearing individuals; these issues invariably revolve around access to language and communication, which has implications on employment, and engagement in civic activities.

1) *Access to Employment:* The Canadian Association of the Deaf conducted a survey and data collection project in 1998 on the employment and employability of Deaf Canadians. CAD found that only 20.6% of Deaf Canadians are fully employed; 41.9% are under-employed; and 37.5% are unemployed.
http://www.cad.ca/employment_and_employability.php

2) *Access to Health Care:* As a result of lack of access to Health Care, the Eldridge Case mandates that hospitals must provide interpreting services. Despite this case, implementation has been lagging. Not only are interpreters not always provided, hospitals rarely provide text-based access either. As the Canadian Association for the Deaf has observed, "In short, there is probably not a single hospital in the country that is truly accessible for deaf and hard of hearing people."
http://www.cad.ca/health_care.php

3) *Access to Political Participation and Activity:* According to the Canadian Association of the Deaf: "Deaf Canadians are not taught or trained to participate in politics; they find the Canadian political system difficult to fully understand; their rate of participation and activity in politics is very low; political/public forums and meetings are usually inaccessible for them."
http://www.cad.ca/political_participation_and_activity%20.php

4) *Access to Education*: With only 51 interpreters certified by the Association of Visual Language Interpreters of Canada and with very few School Boards having standards for interpreters, access to education for students using ASL or LSQ must be seen as suspect at least.

In Hannan (2010), common themes in the experiences shared by hard of hearing and oral deaf participants emerged. They spoke of the lack of access to language and information due to lack of technical access and the lack of willingness to provide it, in all corners of society. The educational system did not serve these individuals well when they were in school, failing not only in the area of accessibility to language and, therefore, education; but, as a result, failing to provide the kind of education that supports the development of sustainable personal self-confidence. Students moved from the inaccessible school environment into the larger world with its inequitable employment practices and the daily, monumental challenges of public access. On top of the long list of inaccessible life activities, hard of hearing and oral deaf people must continue to shoulder the high burden of expensive technology if they want access to the society they live in.

With the gift of hindsight, Hannan's adult participants identified discrimination in many areas and at many stages of their lives. Some have developed the ability to effectively deal with some or all of the barriers posed by the society while others have been less successful.

When the many manifestations of audism are seen together, a root cause may be identified — the denial of a deeper and more fundamental human right — the right to language and communication. While many similarities exist with the dynamics of ableism, the focus on language and communication issues warrants that the term audism stand alone. In addition, the issues facing Deaf communities have parallels with those faced by other linguistic minorities. Thus, in the section that follows, this document focuses on another form of discrimination known as *linguicism.*

Box 3
For more further reading on Audism:

Bauman, H-Dirksen L. "Audism: Exploring the Metaphysics of Oppression." Journal of Deaf Studies and Deaf Education 9.2 (2004): 239-246.

Bauman, H-Dirksen L. "Introduction: Listening to Deaf Studies." Open Your Eyes: Deaf Studies Talking. Ed. H-Dirksen L. Bauman. Minneapolis: University of Minnesota Press, 2008, 1-32.

Davis, Lennard J. Enforcing Normalcy: Disability, Deafness, and the Body. London; New York: Verso, 1995.

Dunn, Lindsay. "The Burden of Racism and Audism." Open Your Eyes: Deaf Studies Talking. Ed. H-Dirksen L. Bauman. Minneapolis: University of Minnesota Press, 2008, 235–250.

Gertz, Genie. "Dysconscious Audism." Open Your Eyes: Deaf Studies Talking. Minneapolis: University of Minnesota Press, 2008, 219-234.

Ladd, Paddy. Understanding Deaf Culture: in search of Deafhood . Clevedon, UK; Buffalo: Multilingual Matters, 2003.

Lane, Harlan. The Mask of Benevolence: Disabling the Deaf Community. San Diego: DawnSignPress, 1992.

1.4 *Linguicism*

This term was originally coined by Tove Skutnabb-Kangas [1988] to call attention to the denigration of minority languages. Often this discrimination takes place within educational settings which do not use the minority language as a language of instruction, opting instead for a monolingual approach to learning the dominant language. The result is a "subtractive approach" to language and education where achieving an education is entirely based on the majority language in such a way that the heritage language and what the student knows in that language is not perceived as an asset to the students overall education. This, as opposed to an "additive approach" where bilingualism is perceived as a cultural and human right as well as a social, cultural and cognitive resource (Ruiz, 1984) and the heritage language and what the student knows in that language are valued and seen as assets to the student's overall education.

The result of the subtractive approach is an overall trend toward dominant language education, an overall weakening of cultural identification, and a decrease in global

linguistic diversity. The results of this subtractive approach are alarming: on average, a minority language dies every two weeks, which will reduce the number of the world's spoken languages in half within the next century (Crystal, 2002).

In order to focus on the plight of linguistic minorities, the United Nation Human Rights Fact Sheet 18, Minority Rights [1998] states

> *Special rights are not privileges but they are granted to make it possible for minorities to preserve their identity, characteristics and traditions. Special rights are just as important in achieving equality of treatment as non-discrimination. Only when minorities are able to use their own languages, benefit from services they have themselves organized, as well as take part in the political and economic life of States can they begin to achieve the status which majorities take for granted. (Human Rights Fact Sheet 18, Minority Rights, United Nations, 1998:4).*

Like other members of linguistic minorities, members of Deaf signing communities often experience systemic linguicism in education. In recognition that early access to language development is a fundamental human right, The Canadian Hearing Society provides the following context for the rights of children to access a natural signed language as early as possible in the draft Position Paper on Access to Language and Language Acquisition for Children who are Deaf and Hard of Hearing.

In spite of the evidence for the importance of early exposure to a signed language, many Deaf children are denied access until later in life. This current reality falls under the notion of linguicism. In sum, then, audism may be seen both as a subset of ableism and linguicism, forming its own unique set of situations, experiences and discriminations.

> *Access to language is crucial for all children's cognitive, educational, and social development. In many cases, deaf and hard of hearing children face difficulties in acquiring a first language because of limited access to language through the auditory channel and/or limited access to proficient native signers. If young children do not have adequate exposure to a fully accessible first language, they will experience language deprivation and may never develop proficiency in any language.*

> *Both spoken and signed languages have equal biological status in language acquisition and brain organization (Petitto, 2000). As many of these children will benefit from regular and frequent exposure to an accessible, visual signed language from birth onwards, restrictions to exposure to a signed language should not be imposed.*

> *Restricting access to ASL or LSQ because they are visual languages and believed to interfere with the development of speaking and listening skills is a practice unsupported by research. There are no studies or empirical research supporting the need to limit a deaf or hard of hearing child's exposure to a signed language; however, there is insurmountable evidence that if children are not exposed to an accessible language from infancy, they will experience life-long negative effects. Parents who choose to pursue an auditory or "spoken language" approach to their child's language acquisition and want to have their child exposed to two accessible*

languages, a spoken language and a signed language, should be encouraged to do so.

Oral students who do not use a signed language as their primary language depend on text-based alternatives to enhance or replace instruction delivered by a spoken language or other auditory information in the classroom. The lack of text-based alternatives for a hard of hearing child results in a lack of access to language.

ATTITUDINAL BARRIERS PERTAINING TO PEOPLE WITH HEARING LOSS		
ATTITUDE	**DESCRIPTION**	**EXAMPLE**
INFERIORITY **LOWERED EXPECTATIONS**	The assumption that students or workers with hearing loss are "lesser" people, not as worthy or capable, can lead to lowered standards, thereby limiting options for the person.	• Academic standards are lowered for Deaf and hard of hearing students • Workers not considered capable for jobs because of their hearing loss, even though they have qualifications.
IGNORANCE	Lack of understanding of the nature of hearing loss and how hard of hearing or oral deaf people function.	• It is not safe for deaf people to drive cars. • We cannot hire him as a care detailer because he might get run over.
SPREAD EFFECT	The assumption that an individual with one disability, such as hearing loss, also has another disability.	• A child with hearing loss, whose speech is affected, is assumed to also have cognitive issues.
STEREOTYPES	Generalizations, both positive and negative, about people with disabilities such as hearing loss overlook the individual and lead to inappropriate expectations.	• People with hearing loss have better sight than the rest of us. • Hard of hearing people use signed languages and interpreters.
BACKLASH	The perception that individuals with disabilities are given unfair advantages.	• "That girl gets more attention from the teacher than me!" • "My colleague gets off easy because of her hearing loss."
FEAR	Uncertainty about what is appropriate to say or do can cause people to avoid hiring or interacting with people who have hearing loss.	• "What if I say the wrong thing? It's easier to talk to people who communicate like me."
DENIAL	Many aspects of hearing loss are not visible, causing assumptions that a person's hearing loss is not a bonafide issue worthy of special attention. Families have trouble accepting the reality of hearing loss.	• "My student does fine with his hearing loss. He's not that bad, he doesn't need note taking."
STIGMA	Both adults and children bear the enduring stigma, often self-imposed, of their disability, leading to low self-esteem, anger, self pity, poor assertiveness and communication skills, as well as low knowledge about rights and available accommodations.	• "It would be hard for me to work with other people, so I won't apply for the job." • "Everybody thinks I'm stupid!" • "I don't want to bother anybody. I don't really need captioning; I'm just grateful to have this job." • "I don't go out much anymore, this is just part of life; I'll get used to it."

Part II

Human Rights Policy and Legal Protections with regards to Deaf Persons

In an effort to eliminate discriminatory practices against persons with disabilities, international, national and provincial acts, declarations and policies have been put in place. The basic premise of these documents is to ensure that the human worth of persons with disabilities is not diminished in any way. In what follows, this paper presents the relevant aspects of these important documents, from the international to the national and provincial levels. These various documents may be used to support action to mitigate the devastating effects of ableism, audism, and linguicism.

2. International Level

This overview begins at the global level with United Nations Conventions and Declarations that have implications for the rights of persons with disabilities in general and for deaf and hard of hearing individuals in particular.

2.1 *United Nations*

UN Secretary-General Boutros Boutros Ghali, in his address to the XII World Congress of the World Federation of the Deaf (WFD), urged WFD to utilize inter-related policy documents of the UN to build on processes *"featuring the right to sign language as the medium of communication among the Deaf and the recognition of the particular communication needs of Deaf and Deafblind persons."* (Quoted from the UN Salamanca Statement on Special Needs Education, an official UNESCO document in the WFD Visions and Goals for Access to Adult Education for Deaf People.)

2.1.1 UN Convention on the Rights of Persons with Disabilities (CRPD)
The UN Convention on the Rights of People with Disabilities is an international human rights instrument that is designed to protect and promote the rights and dignity of persons with disabilities. States which ratify the Convention agree to ensure that persons with disabilities enjoy equal treatment under the law. Canada ratified this Convention on March 11, 2010. In a press release, Minister of Human Resources and Skills Development, the Honourable Diane Finley stated, "Canada is proud to have been one of the first countries to originally sign the Convention in 2007. The ratification of this agreement is just further acknowledgement that Canada is a world leader in providing persons with disabilities the same opportunities in life as all Canadians." Members of the Disability rights community concurred. Marie White, National Chairperson of the Council of Canadians with Disabilities stated, "Ratification of the Convention puts an end to the medical model and opens exciting new opportunities for building a more inclusive and accessible Canada. Canadians with disabilities applaud the Government of Canada for this historic action."

Excerpts most relevant to deaf and hard of hearing individuals:

Article 1: Purpose
The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Article 2: Definitions
"*Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;*

Article 3 - General principles
The principles of the present Convention shall be:
(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
(b) Non-discrimination;
(c) Full and effective participation and inclusion in society;
(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
(e) Equality of opportunity;
(f) Accessibility;
(g) Equality between men and women;
(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 9: Accessibility
*2(e) To provide forms of live assistance and intermediaries, including guides, readers **and professional sign language interpreters**, to facilitate accessibility to buildings and other facilities open to the public;*

Article 24: Education
3(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
*3(b) **Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;***
(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

http://www2.ohchr.org/english/law/disabilities-convention.htm

These overarching articles create a framework for the protection of signed language based education and the recognition of the identity of deaf people as a linguistic minority.

2.1.2 UN Convention on the Rights of the Child

The UN Convention on the Rights of the Child, which Canada ratified in 1991, explicitly states that rights of the child be respected and ensured without discrimination on the basis of disability (Article 2). Article 13 protects the right to expression in the mode of preference of the child – oral, signed, spoken, or a text-based alternative, etc. This article is especially relevant to the rights of Deaf children to communicate in a signed language. Articles 28 and 29 focus on the rights to an accessible education for all children. Accessibility for many children throughout the world may refer to the basic fact of providing access to schools in the first place. For Deaf, deaf and hard of hearing persons, however, simply providing access to schools is not enough; access to the language used in the classroom is a perennial challenge.

Article 2

> *States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, **disability**, birth or other status.*

Article 13

> *The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through **any other media of the child's choice**.*

Article 28

> *1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*
> *(a) Make primary education compulsory and available free to all;*
> *(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and **accessible to every child** . . .*
> *(c) **Make higher education accessible to all on the basis of capacity by every appropriate means**;*
> *(d) **Make educational and vocational information and guidance available and accessible to all children;** . . .*

Article 29

> *1. States Parties agree that the education of the child shall be directed to:*
> *(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
> *(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*

> *(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*

Article 30
> *In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or **to use his or her own language***.

http://www2.ohchr.org/english/law/crc.htm

2.1.3 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The UN Convention on the Rights of Persons with Disabilities recognizes and promotes *"the linguistic identity of the Deaf community."* As a linguistic minority, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is directly relevant to the community of signed language — ASL and LSQ — users in Canada. The Declaration seeks to protect the rights of linguistic minorities to education and community affiliation in their native language.

http://www.un.org/documents/ga/res/47/a47r135.htm

2.2 *World Federation of the Deaf*

The World Federation of the Deaf (WFD) is an international, non-governmental central organization of national associations of Deaf people, with a current membership of associations in 130 countries worldwide. The WFD has consultative status in the United Nations (UN) system, including the Economic and Social Council (ECOSOC); the UN Educational, Scientific and Cultural Organization (UNESCO); the International Labour Organization (ILO); and the World Health Organization (WHO). WFD also co-operates closely with the UN High Commissioner for Human Rights, and has representatives on the Panel of Experts on the UN Standard Rules for the Equalization of Opportunities for Persons with Disabilities. WFD is a member of the International Disability Alliance (IDA).
(http://www.wfdeaf.org/about)

2.2.1 Policy Statement on Education Rights for Deaf Children

Updated in July 2007, WFD's Policy Statement makes clear that access to visual language is of paramount importance to the development of the whole child.

> ### *WFD's* Policy Statement on Education Rights for Deaf Children
>
> *Like all children, Deaf children must have access to equal and quality education. Deaf children have the right to expect that their needs and human, linguistic and educational rights are respected and supported by educational authorities, in full compliance with international policy*

> *statements, national legislation and national curricula. Deaf children are born with the same basic capacities for learning and language as all children; they can and should reach their full potential with appropriate, visual, quality educational programmes and support. (1)*
>
> *Even in industrialized countries, the majority of current Deaf education programmes do not respect the linguistic human rights of Deaf children. Indeed, most Deaf education programmes fall in to the language deprivation category described in theoretical models of education of linguistic minorities. 'Language deprivation' for Deaf people means ignoring the use of sign language as a basic communication means, as a language of instruction and as a school subject. Following this, the linguistic human rights of Deaf children are grossly violated in educational programmes all over the world.*
>
> *The realisation of linguistic human rights is linked to the realisation of basic human rights to education, freedom of thought and expression, enjoyment of an adequate standard of living, protection from all forms of abuse, neglect and exploitation, and freedom from subjection to torture or other cruel, inhumane or degrading treatment or punishment. It is the mastery of language(s) that enables a child to express her/his needs and desires, and gives him/her the tool to protect and to assert him/herself as a human being.*
>
> http://www.wfdeaf.org/databank/policies/education-rights-for-deaf-children

2.3 International Congress on Education of the Deaf

2.3.1: Statement of Principle: New Era: Deaf Participation and Collaboration
In July 2010, The International Congress on Education of the Deaf (ICED) issued a Statement of Principle, "A New Era: Deaf Participation and Collaboration." This Statement rejected a set of resolutions passed at the ICED in 1880, in Milan, Italy which called for the removal of sign language from the education of the deaf. Expressing "sincere regret," for these influential resolutions, ICED called upon all nations to endorse the use of signed languages in the education of the deaf and to recognize deaf communities as linguistic and cultural minorities as opposed to a group of individuals defined by sensory impairment. In addition, the Statement of Principle calls on nations to ratify the United Nations Convention on the Rights of Persons with Disabilities which recognizes the right of deaf communities to have access to signed languages in education. Given the long history of denial of signed languages in deaf education, this Statement of Principle is historically significant.
Statement of Principle: A New Era in Deaf Participation and Collaboration

3. National Level

The Canadian government has enacted laws and charters aimed at protecting the rights of persons with disabilities. The Charter of Rights and Freedoms, passed in 1982 supersedes over all federal, provincial and territorial legislations, policies and regulations across Canada. In addition to the Charter, the Canadian Human Rights Act and key legal decisions handed down from the Supreme

Court of Canada and Federal Courts are aimed, not only at ensuring full participation in society, but the promise of doing so with dignity.

3.1 *The Canadian Charter of Rights and Freedoms*

Passed in 1982, governments and their closely affiliated institutions (for example, school boards) are subject to the *Canadian Charter of Rights and Freedoms*. The *Charter* ensures access for deaf and hard of hearing people as critical aspect of their legal rights.

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*Excerpts from **The Canadian Charter for Rights and Freedoms***

Article 14.
> *A party or witness in any proceeding who does not understand or speak the language in which the proceedings are conducted or who is Deaf has the **right to the assistance of an interpreter.***

> *Equality before and under law and equal protection and benefit of law*

Article 15.
> *(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or **physical disability.***

> *Affirmative action programs*

> *(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental **or physical disability**.*[84]

http://laws-lois.justice.gc.ca/eng/charter/index.html

3.2 *Canadian Human Rights Act [R.S., 1985, c. H-6]*

The Canadian Human Rights Act includes disability as one of the prohibited grounds of discrimination.

Part I: PROSCRIBED DISCRIMINATION

3. (1) *For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, **disability** and conviction for which a pardon has been granted.*

http://www.laws-lois.justice.gc.ca/PDF/H-6.pdf

3.3 *Key Court Decisions*

The Supreme Court of Canada, the Federal court and Provincial courts outside of Ontario have delivered influential decisions protecting the rights of Deaf Canadians to signed language interpreting and accessible education.

3.3.1 Howard v. University of British Columbia [1993]

(12 C.H.R.R. D/37) The University of British Columbia was ordered to provide signed language interpretation services to a student, finding that signed language interpreters were an accommodation required by Deaf students to enable them to access the University's educational service, and that provision of such services would not cause undue hardship.

3.3.2 Eldridge v. British Columbia (Attorney General) [1997]

The responsibility of governments to provide signed language interpreters was dealt with by the Supreme Court of Canada in the leading case of Eldridge v. British Columbia (Attorney General) I51DLR (4th) 577. While Eldridge dealt specifically with the right to sign language interpreters in the health care system, the principles apply more generally to services provided by government, or provided by non-government organizations carrying out specific government objectives.

> In this ruling, the Judge La Forest wrote:
>
> *It is an unfortunate truth that the history of disabled persons in Canada is largely one of exclusion and marginalization. Persons with disabilities have too often been excluded from the labour force, denied access to opportunities for social interaction and advancement, subjected to invidious stereotyping and relegated to institutions... This historical disadvantage has to a great extent been shaped and perpetuated by the notion that disability is an abnormality or flaw. As a result, disabled persons have not generally been afforded the "equal concern, respect and consideration" that s. 15(1) of the Charter demands. Instead, they have been subjected to paternalistic attitudes of pity and charity, and their entrance into the social mainstream has been conditional upon their emulation of able-bodied norms... One consequence of these attitudes is the persistent social and economic disadvantage faced by the disabled. Statistics indicate that persons with disabilities, in comparison to non-disabled persons, have less education, are more likely to be outside the labour force, face much higher unemployment rates, and are concentrated at the lower end of the pay scale when employed.*
>
> After commenting on the oppression of disabled people in general, the Supreme Court writes specifically of the situation of deaf and hard of hearing Canadians:
>
> *Deaf persons have not escaped this general predicament. Although many of them resist the notion that deafness is an impairment and identify themselves as members of a distinct community with its own language and culture, this does not justify their compelled exclusion from the opportunities and services designed for and otherwise available to the hearing population. For many hearing persons, the dominant perception of deafness is one of silence. This perception has perpetuated ignorance of the needs of deaf persons and has resulted in a society that is for the most part organized as though everyone*

> *can hear; see generally Oliver Sacks,* Seeing Voices: A Journey Into the
> World of the Deaf (1989). *Not surprisingly, therefore, the disadvantage
> experienced by deaf persons derives largely from barriers to communication
> with the hearing population.*
>
> http://scc.lexum.org/en/1997/1997scr3-624/1997scr3-624.html

3.3.3 Eaton v. Brant County Board of Education [1997]

This Supreme Court of Canada decision recognizes that while specialized or segregated education may be appropriate where it is in a child's best interest, integration should be recognized as a form of general accommodation. An appropriate accommodation for a student who is Deaf and whose primary language is American Sign Language or Langue des Signes Québécoise might be a Provincial School for the Deaf or a signed language instructional program in a local community school.
http://www.ohrc.on.ca/en/resources/Guides/AccessibleEducation/pdf

3.3.4 Canadian Association of the Deaf, et al. v. Her Majesty the Queen [2006]

This recent Federal Court of Canada decision requires that all Federal Government programs, offices and services provide signed language interpreters "upon request."   The ruling makes explicit the right to access government for Deaf Canadians and reinforces the legal precedent set by the *Eldridge* decision. Technically, since this decision is at the level of the Federal Court of Canada, it applies to the Government of Canada. However, on a substantive level, the decision does apply to provincial and municipal governments, because if these governments were ever challenged in court on a similar basis, there is little to differentiate their provision of services from that of the Federal government.
http://decisions.fct-cf.gc.ca/en/2006/2006fc971/2006fc971.html

3.3.5 Provincial Court of Saskatchewan, The Child and Family Services Act of Saskatchewan and Ryley Allen Farnham, The Honourable Justice Orr, P.C., J., August 19, 2005

While this case is not a Supreme Court, it is presented here nonetheless for its relevance to the protection of the language rights of deaf individuals.

This case was initiated by the Saskatchewan Department of Community Resources and Employment which claimed that custody of Ryley Allen Farnham should be removed from his mother, April, who "opposed the education authorities who advised her to persist with her son's cochlear implant and aural-oral training" (Snoddon, 2009). Implanted at one year old, three year old Ryley had not developed language skills and exhibited disruptive behavior. A padded room was constructed for him during his "terrifying temper tantrums." The mother had sought ASL instruction for Ryley; once taught in ASL, Ryley's language skills improved along with his behavior.

> Justice Orr concluded:
>
> *A massive commitment must be made to teach Ryley American Sign Language. The present regimen of one-hour-per-day instruction by a woman who is not a qualified teacher of sign, and who is herself just learning to sign is inadequate... There was ample evidence presented as to the window of opportunity' which exists in Ryley's life for him to learn. The window is already beginning to close, and immediate action is required. (par. 25-49 [1]).*

4. Provincial Level

To compare with federal, provincial and territorial legislations on duty to accommodate and accessibility act, Ontario is ahead in terms of accessible legislations and policies than federal and other provincial and territorial governments. The Accessibility for Ontarians with Disabilities Act is a key piece of legislation to protect against ableism and audism in all sectors of life. In addition, the Ontario Human Rights Commission has published several key documents ensuring the protection of the rights of persons with disabilities in educational settings, while the Ontario Education Act ensures the right to use ASL or LSQ in educational settings.

4.1 *Ontarians with Disabilities Act [2001]*

This act was the first legislation of its kind in Canada to protect the rights of persons with disabilities.

> *The ODA requires hospitals, school boards, colleges and universities to:*
> - *prepare annual accessibility plans in consultation with people with disabilities*
> - *make these plans available to the public.*
>
> *The purpose of these plans is to identify, remove and prevent barriers to accessibility in all aspects of the organization's operations, including:*
> - *bylaws*
> - *policies*
> - *programs*
> - *practices*
> - *services*
>
> http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01o32_e.htm

4.2 *Accessibility for Ontarians with Disabilities Act [2005]*

Ontario unanimously passed the Accessibility for Ontarians with Disabilities Act (AODA) in June 2005.

> *The objectives of AODA are:*
> - *To remove attitudinal barriers that discriminate against people with disabilities*

> - *To eliminate systemic barriers in organization's policies, practices, or procedures that discriminate against people with disabilities and*
> - *Engage in public awareness activities designed to raise employer and service provider's awareness of disability issues and to combat negative attitudes and stereotypes about persons with disabilities.*
>
> http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_05a11_e.htm#BK1

4.3 *Ontario Human Rights Code*

The Ontario Human Rights Code, passed in 1990, is explained in the Preamble and in Article #1:

> **Preamble**
>
> *Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;*
>
> *And Whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;*
>
> **Services**
> *Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or **disability**.*
>
> http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm

4.4 *The Ontario Human Rights Commission (OHRC)*

The "OHRC's role is to promote, protect and advance respect for human rights in Ontario, to protect the public interest and to eliminate discriminatory practices." The Ontario Human Rights Commission (OHRC) has been given the power to:

- Expand its work in promoting a culture of human rights in the province
- Conduct public inquiries
- Initiate applications (formerly called 'complaints')
- Intervene in proceedings at the Human Rights Tribunal of Ontario (HRTO)

- Focus on engaging in proactive measures to prevent discrimination using public education, policy development, research and analysis.

http://www.ohrc.on.ca/en/commission/mission

Under new legislation, effective in 2008, the OHRC no longer hears cases of complaints of human rights violations. Thttp://www.ohrc.on.ca/en/commission/mission
hese cases are now considered by the Human Rights Tribunal of Ontario. () In addition, the new Human Rights Legal Support Centre (HRLSC) offers human rights legal services to individuals throughhttp://www.hrto.ca/hrto/?q=en/node/1hout Ontario who believe they have experienced discrimination. The Centre's services range from legal assistance in filing an application at the Tribunal to legal representation on human rights applications. (http://www.hrlsc.on.ca/) The HRLC has created a series of frequently asked questions in American Sign Language.

To the end of promoting human rights protection, the Ontario Human Rights Commission has created a number of policy statements and guidelines for implementation relating to underserved minority groups. Disability has always been a central concern to the OHRC. Chief Commissioner Barbara Hall writes, in support of the ratified UN Convention on the Rights of Persons with Disabilities: "There is lots of work to be done by all of us and the new Convention helps point the way. We've made the promise; let's make sure we keep it." () To the end of keeping the promise of promoting the rights of persons with disabilities, the OHRC has identified its role in "Equal Access for Students withhttp://www.ohrc.on.ca/en/resources/news/ratificationUNrpd Disabilities: OHRC's Commitments." These commitments are as follows:

> *Under section 29 of the Ontario Human Rights Code, the Ontario Human Rights Commission has a mandate to forward human rights policy through education, monitoring, communication, research, inquiries and initiating investigations. In this regard, the Commission makes the following commitments:*
>
> - *Guidelines: The Commission will develop Guidelines on Accessible Education, which will address disability and the duty to accommodate in the educational sector. . . [see below 4.5.1]*
> - *Monitoring: The Commission will monitor progress on the actions required of government, school boards, educators, and students with disabilities. If required actions are not addressed over the next 12 months, the Commission may undertake inquiries, and consider initiating a complaint. . . .*
> - *Compliance: The Commission will continue to ensure priority handling of disability and education complaints at the primary and secondary levels involving disputes about access to education services. ... also, we will employ an intersectional approach to discrimination in our work, including policy development, compliance and litigation of complaints. . . .*
> - *Education: The Commission will continue to promote and increase awareness and understanding of human rights issues relating to disability and education. . .*
> - *Communications: The Commission will ensure that other service providers, namely test-providers and publishers, are also aware of their responsibilities under the Code.*
>
> http://www.ohrc.on.ca/en/resources/factsheets/EqualAccess

The following are a sampling of relevant human rights statements from the OHRC:

4.4.1 OHRC'S Policy and Guidelines on Disability and the Duty to Accommodate [2000]
The Ontario Human Rights Code explicitly states that everyone has the right to be free from discrimination. The Policy and Guidelines outline the details and give practical measures for workplaces, public transit, health services, restaurants, shops and housing to provide Ontarians with a disability equal treatment and barrier free access.
http://www.ohrc.on.ca/en/resources/Policies/PolicyDisAccom2/pdf

4.4.2 Education and Disability: Human Rights Issues in Ontario's Education [2002]
According to this Consultation Paper, "The Ontario Human Rights Commission ("OHRC") has serious concerns regarding accessible education for persons with disabilities." The violations of human rights in education for persons with disabilities has come to the attention of the OHRC as it "has received a number of complaints related to discrimination because of disability in the area of education that raise issues of systemic discrimination." Addressing these issues, the OHRC's Consultation paper identifies the relevant international protections of human rights, provisions within the OHRC, case law, and demographics of students with disabilities in the Ontario education system. In addition, the paper identifies the human rights issues for persons with disabilities in the education system—access to education, discrimination, negative attitudes and stereotypes, labeling, appropriate accommodation, the accommodation process, roles and responsibilities and the undue hardship standard.
http://www.ohrc.on.ca/en/resources/discussion_consultation/Education/pdf

4.4.3 OHRC'S Guidelines On Accessible Education [2004]
The Ontario Human Rights Commission identifies the fundamental principles of accommodation to include a) respect for dignity, b) individualized accommodation, and c) inclusion and full participation. The Guidelines on Accessible Education set the standard for how educational institutions can ensure compliance with the Ontario Human Rights Code as it relates to accommodation for students with a disability, allowing them to access educational services equally.

> ### *Individualized Accommodation*
>
> *There is no set formula for accommodation. Each student's needs are unique and must be considered afresh when an accommodation request is made. At all times, the emphasis must be on the individual student and not on the category of disability. Blanket approaches to accommodation that rely solely on categories, labels and generalizations are not acceptable.*
>
> *Although many accommodations will benefit large numbers of students with similar needs, it must be kept in mind that an accommodation solution that meets one student's requirements may not meet the needs of another. Two students with the same disability may have very different needs; for example, while some students with visual impairments read Braille, many do not. Different effects of a disability and different learning styles may call for different approaches.*
>
> > *__In Practice:__ An appropriate accommodation for a student who is Deaf and whose primary language of communication is American Sign*

> *Language or Langue des signes québécoise might be a Provincial School for the Deaf or a sign language instructional program in a local community school. At the same time, an appropriate accommodation for another student, who is also profoundly deaf, and who primarily uses auditory-verbal communication, might be inclusion in a regular classroom.*
>
> *Individualized assessment includes being aware of the ways in which students with disabilities are affected by also being members of other historically disadvantaged groups. These students may sometimes be subjected to discriminatory treatment that is based on more than one protected* Code *ground,* e.g. *race, sex, sexual orientation or ethnic origin. These grounds may "intersect" thus producing a unique experience of discrimination.*
>
> http://www.ohrc.on.ca/en/resources/Guides/AccessibleEducation/pdf

4.4.4 Accommodating Students with Disabilities: Principles

The OHRC has identified three underlying principles of accommodation: dignity, individualization and inclusion. According to OHRC's Principles, education providers can provide students with disabilities with the greatest opportunity to participate fully in educational services by:

> - *Promoting Inclusive Design:* Academic facilities, programs, policies, and services must be structured for inclusiveness, and course curriculum, delivery methods, and evaluation methodologies should be designed inclusively from the outset.
>
> - *Remove Barriers*: Where barriers already exist, the duty to accommodate requires education providers to make changes up to the point of undue hardship to provide equal access for students with disabilities.
>
> - *Accommodating Remaining Needs:* Where barriers continue to exist, or where barrier removal fails to ensure full participation, differential treatment might be required to provide equal opportunity for students with disabilities.
>
> http://www.ohrc.on.ca/en/resources/factsheets/Principles

4.4.5 Accommodating Students with Disabilities: Roles and Responsibilities

The OHRC defines the roles and responsibilities of the government, school boards, elementary, secondary, post-secondary institutions, and the students themselves.

> **Government:** *Under the* Education Act*, the Ministry of Education is responsible for setting out a process for identifying and accommodating disability-related needs in the publicly-funded elementary and secondary school systems. . . . Both [the Ministry of Education and the Ministry of Training, Colleges and Universities] are also required, under the* Ontarians with Disabilities Act*, to complete an annual accessibility plan that addresses the identification, removal and prevention of barriers to people with disabilities.*

School Boards: School boards are required to develop and maintain a special education plan outlining programs and services . . . and are also required to complete an accessibility plan.

Elementary and Secondary School Educators: All education providers are required to investigate accommodation solutions and grant accommodation requests in a timely manner.

Post-secondary Institutions: These institutions must ensure that their facilities and services are accessible, that appropriate, effective and dignified accommodation processes are in place, and that students who require accommodations because of their disabilities are accommodated to the point of undue hardship. Under the **Ontarians with Disabilities Act**, *they are also required to complete an accessibility plan...*

Students with Disabilities: A student with a disability, or his or her parent or guardian, is required to advise the education provider of the need for accommodation, participate in discussions regarding possible accommodation solutions, meet curriculum standards once accommodation is provided, and work with the accommodation provider on an ongoing basis to manage the accommodation process.

http://www.ohrc.on.ca/en/resources/factsheets/accessibilityaccommodation

4.4.6 Education Funding for Students with Disabilities

While much legal protection exists for students with disabilities, the implementation of accommodation involves complex issues implicated in funding structures.

The OHRC's consultation process finds that the "*current funding levels provided by the Ministry of Education for special education are inadequate. Insufficient resources are resulting in delays at many stages of the special education system, misidentification of student needs, and students with disabilities not receiving the accommodations to which they are entitled. While school boards have a duty to accommodate students with disabilities, the Ministry of Education needs to supply adequate funding to school boards to allow them to provide this accommodation.*

The Commission heard that even though the Ministry of Education is in charge of this centralized system of funding, it is the school board that is most frequently considered responsible when students do not receive accommodations, and most often named as the respondent in human rights complaints alleging discrimination on the basis of disability in education.

http://www.ohrc.on.ca/en/resources/factsheets/Education

4.4.7 Main Barriers to Education for Students with Disabilities
The OHRC recognizes that barriers for students with disabilities may take many forms—from physical to attitudinal. In this fact sheet, the OHRC identifies the most prominent barriers that students with disabilities face:

- *Inadequate funding:* "This was cited as the prime reason for delayed and diminished special education services at the elementary and secondary levels." In the case of deaf and hard of hearing students, funding for sign language interpreters is often an issue.
- *Physical inaccessibility*: While physical barriers such as lack of ramps are often cited, for deaf and heard of hearing students, physical inaccessibility comes in the form of access to language and communication, the very heart of educational process.
- *Accommodation Process*: Often there are serious delays in the accommodation process. In the case of deaf and hard of hearing students, there is often a backlog of interpreting requests.
- *Lack of individualization:* "At the elementary and secondary levels, some education providers are relying on blanket approaches to accommodation, rather than assessing each student on an individual basis." [In the case of deaf and hard of hearing students, being mainstreamed does not result often in full integration in the academic and social discourse of the school environment.]
- *Ineffective dispute resolution:* This process often puts the time consuming burden on persons with disabilities to demonstrate that a human rights violation has taken place.

http://www.ohrc.on.ca/en/resources/factsheets/MainBarriers

4.5 *The Education Act*

Education in Canada is primarily administered at the Provincial Level. In Ontario, the principle legislation governing education is the Education Act. Regulation 298 of the Revised Regulations of Ontario, 1990 was amended to include recognition for providing education through American Sign Language or Quebec Sign Language. As a result of this important regulation, the Ontario Teachers College is creating guidelines for ASL/LSQ proficiency for teachers of deaf and hard of hearing students. (See below.)

Sign Language
32. Where it is practical to do so and if the pupil understands American Sign Language or Quebec Sign Language, as the case may be, a teacher or temporary teacher may use American Sign Language or Quebec Sign Language,
(a) in the classroom; and
(b) as a language of instruction and in communications in regard to discipline and management of the school. O. Reg. 258/07, s. 1.

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900298_e.htm#BK26

4.6 *The Ontario Ministry of Education*

The Ontario Ministry of Education has published a number of key documents ensuring the access to education. Key concepts in these documents are the notion of Universal Design in Education, an approach to learning which maximizes all available avenues to stimulate learning and achievement of student outcomes.

4.6.1 Learning for All K-12 (Draft), June 2009

The guiding principles of Education for All, K-6 were confirmed as essential to any effort to improve the achievement of all students from Kindergarten to Grade 12 and to close the achievement gap. They are related here, as the beliefs that also underline Learning for All K-12

- *All students can succeed*
- *Each student has his or her own unique patterns of learning*
- *Successful instructional practices are founded on evidence-based research, tempered by experience*
- *Universal design and differentiated instruction are effective and interconnected means of meeting the learning or productivity needs of any group of students*
- *Classroom teachers are the key indicators for a student's literacy and numeracy development*
- *Classroom teachers need the support of the larger community to create a learning environment that supports all students*
- *Fairness is not sameness*

http://www.ontariodirectors.ca/L4All/L4A_en_downloads/LearningforAll%20K-12%20draft%20J.pdf

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4.6.2 Realizing the Promise of Diversity: Ontario's Equality and Inclusive Educational Strategy [2009]

A recent strategy document from the Ontario Ministry of Education highlights how the government will reduce racism, sexism, homophobia, and other forms of discrimination in schools. Together with school boards and schools, the Ministry's four-year strategy will focus on developing and implementing policies that "remove discriminatory barriers to student achievement, honour diversity, and affirm respect for all in [Ontario's] schools." Annual action items include: creating and releasing guidelines, working with stakeholders, reviewing existing policies, and developing progress reports.
http://www.edu.gov.on.ca/eng/policyfunding/equity.pdf

4.6.3 Shared Solution: A Guide to Preventing and Resolving Conflicts Regarding Programs and Services for Students with Special Education Needs [2007]

This resource guide focuses on informal conflict resolution, which is often the most effective approach and enhances the ability of students, parents, and educators to arrive solutions. This guide addresses conflicts affecting students with special education needs but the strategies it discusses can be used to resolve conflicts for all students, as well as conflicts that arise in contexts outside the education system. The examples included, while based on real situations, use fictitious student names, and any resolution proposed is just one among several possible outcomes. http://www.edu.gov.on.ca/eng/general/elemsec/speced/shared.pdf

36

4.6.4 Special Education Transformation, The Report of the Co-Chairs with the Recommendations of the Working Table on Special Education [2006]

The report discusses the recommendations regarding a new focus for special education program policy and accountability in Ontario that would be supported by a new funding mechanism. The Report identifies ways to address defining success, achievement, and learning for students with diverse learning needs across the broad spectrum of exceptionality, desired characteristics of programs and services and the pedagogical model that will successfully meet the needs of all students. To achieve the desired transformation and realize this vision for special education in Ontario, the following critical issues must be addressed:

1. Student Success and Access to Curriculum
2. Professional Development
3. Identification and Support Options
4. Service Integration
5. Parent Collaboration
6. Accountability and Reporting
7. Research
8. Special Education Funding

See details in the Report at
http://www.edu.gov.on.ca/eng/document/reports/speced/transformation/transformation.pdf

4.6.5 Education for All: The Report of the Expert Panel on Literacy and Numeracy Instruction for Students with Special Education Needs, Kindergarten to Grade 6. [2005]

Minister's Advisory Council on Special Education (MACSE) suggested the formation of an expert panel to create a report on the literacy and numeracy instruction for students with special needs. The Expert Panel identified the Core Concepts that enable planning for the greatest inclusion possible.

- The first of these is *Universal Design for Learning (UDL),* a concept influenced by the notion of Universal Design in Architecture, which creates environments that are fully accessible to all forms of human diversity. The implications of UD extend beyond accommodation, to better design. Indeed, "Universal Design is not just a technique for special education; rather it is a technique to enhance the learning of all students" (Turnbull, et. al cited, in *Education for All*, p 10.)

- The second principle is *Differentiated instruction*—the notion that one size does not fit all. In order to realize the potential of students, curriculum and learning outcomes must be adjusted to the abilities of each individual. Students should be observed and evaluated in the learning situation to determine what the expectations should be, using a formative approach; periodic overviews of skills should be done and decisions should be made based on progress.
http://www.edu.gov.on.ca/eng/document/reports/speced/panel/speced.pdf

4.6.6 Review of Ontario Education Programs for Deaf and Hard of Hearing Students, 1989

The Internal Review Report made 38 recommendations while External Review Report identified 52 recommendations for the quality of education of the deaf programs and services including ASL proficiency, ASL credit course, Training Certification and Hiring of Teachers and Barriers to Employment, Provision of Quality Pre-School, Parent and Family Services, Policy Development Procedures and Advisory Committees and Changing Function of the Provincial Schools.

4.7 *Ontario College of Teachers (OCT)*

The College is an accrediting body of Ontario educators. The College ensures that Ontario students are taught by skilled teachers who adhere to clear standards of practice and conduct, establishes standards of practice and conduct, issues teaching certificates and may suspend or revoke them, accredits teacher education programs and courses and provides for ongoing professional learning opportunities for members.
http://www.oct.ca/

4.7.1 Preparing Teachers for Tomorrow: The Final Report [2006]
The Report recommended for the following recommendations of the Council of the Ontario College of Teachers for Regulatory Amendments to Initial Programs of Professional Education

1) A regulatory amendment be made to require that, prior to admission into the AQ course(s) for teaching the Deaf and Hard of Hearing, candidates demonstrate a proficiency of ASL/LSQ at a minimum level.

2) A regulatory amendment be made to require that candidates demonstrate proficiency in ASL and LSQ at a high level prior to being awarded the specialist qualification for teaching the Deaf and Hard of Hearing.

http://www.oct.ca/teacher_education/tqr/default.aspx

4.7.2 Draft Guideline for the Qualification for Teaching Students who are Deaf or Hard of Hearing—ASL/LSQ Communication or Aural and Oral Communication
In the Draft Guideline, noted as part of core curriculum, it will include community under Section I: Foundation as to develop understanding ableism and audism and its implications in History and Heritage of Deaf Education as part of the Ontario College of Teachers' expectations of the Program

The draft guideline for the Qualification for Teaching Students who are Deaf or Hard of Hearing – ASL/LSQ Communication or Aural and Oral Communication has been posted at the College website. The draft guideline and corresponding feedback form can be found on the Ontario College of Teachers website at:
http://www.oct.ca/additional_qualifications/deaf.aspx?lang=en-CA

4.8 *Ontario Case Law*

4.8.1 Baggs v. Ontario Ministry of Education [2009]
This case is relevant, since it rules on behalf of ensuring access to visual language for students who need it most. In Baggs v. Minister of Education, 251 O.A.C. 230, a seven-year old girl with severe difficulties in processing auditory information, but otherwise not deaf, was denied admission to the Belleville School for the Deaf by the admissions committee. She was, at the time, in Grade One in a mainstream school with an educational assistant who knew some signed language. The admissions committee, with authority conferred by the Minister of Education, stated that the evidence did not show that she had an "auditory handicap" as required by the legislation, nor would she benefit from such placement.

The Ontario Divisional Court decided that the admissions committee erred in its deliberations and ordered that the matter of admission to the Belleville School for the Deaf be referred back to a differently constituted admissions committee. The court stated that the admissions committee

too narrowly interpreted the term "auditory handicap" to be "hearing loss". The admissions committee failed to explain why the student would not benefit from placement in the Belleville School for the Deaf. The admissions committee erred in excluding relevant documents, such as individual education plans indicating a prominent role for signed language, and did not given sufficient weight to a neurologist's report showing broader implications of the student's difficulties in processing auditory information.

4.9 *The Canadian Hearing Society (CHS)*

CHS is a not-for-profit agency and the leading provider of services, products, and information that remove barriers to communication, advance hearing health, and promote equity for people who are culturally Deaf, oral deaf, deafened and hard of hearing. CHS is governed by a board of directors, the majority of whom are Deaf, oral deaf, deafened, or hard of hearing. The Canadian Hearing Society has produced a number of important policies that reflect best practices in the protection of the rights of deaf individuals.

4.9.1 Position Paper on Access to Language and Language Acquisition for Children who are Deaf and Hard of Hearing
This paper, which was cited earlier in the section on 1.4 Linguicism, advocates for the right of deaf and hard of hearing children to benefit from full access to language from infancy.

The Canadian Hearing Society (CHS) Position on the Issue

The right to language access and language acquisition is a necessary prerequisite for exercising the right to human dignity, freedom of expression, and all other human rights. Deaf children and children with hearing loss have the right to barrier-free access to language acquisition during the early years when language is readily acquired. They have the right to acquire signed language in addition to spoken language.

It is the position of CHS that barriers within policies that limit these children's access to language acquisition environments need to be removed. In addition, publicly funded early intervention programs should not require families to choose between communication service options that restrict children's access to the bilingual or multi-lingual learning of a signed and a spoken language.

For these reasons, early intervention programs for deaf and hard of hearing children should be designed and implemented to support, and not pose limits to, bilingualism in a signed and a spoken environment.

The removal of inhibitions and impediments, along with the provision of appropriate services, will provide a greater chance for the development of age-appropriate language in the language(s) of choice, greater chance for the development of age-appropriate social, emotional and cognitive skills, and greater chance of development in the spoken language, including intelligible speech (Yoshinaga-Itano, 2008).

http://www.chs.ca/index.php?option=com_content&view=category&layout=blog&id=202&Itemid=488&lang=en

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4.9.2 CHS Position Paper on Discrimination and Audism is available at

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The Issue:

*Culturally Deaf, oral deaf, deafened, and hard of hearing Canadians continue to experience discrimination in the workplace and when accessing vital services that most Canadians take for granted such as education, employment, health care, and housing. Discrimination is a sad reality for all people with disabilities, and in the case of people who are culturally Deaf, oral deaf, deafened, or hard of hearing, such discrimination may also be rooted in **audism,** a key term that we describe in more detail above.*

The CHS Position on this Issue:
Discrimination in any form closes the door to equal opportunity, a fundamental right of Canadian citizenship and democracy itself. Culturally Deaf, oral deaf, deafened, and hard of hearing Canadians have the right to fair and equitable treatment, to participate equally in the workplace, and to communicate fully and freely with businesses, non-profit organizations and government. It is the position of CHS that both the public, private, voluntary and not for profit sectors be responsible for ensuring discrimination-free environments.

http://www.chs.ca/index.php?option=com_content&view=category&layout=blog&id=202&Itemid=488&lang=en

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4.9.3 CHS's Internal Anti-Audism Policy
The Anti-Audism policy seeks to address and remove inappropriate beliefs and attitude systems that are based on the ability to hear and which result in differential treatment towards those who are deaf, deafened or hard of hearing. This policy includes the following expectations:

EXPECTATIONS:

1) *Be on guard against inappropriate audist/auditized belief or attitude systems that may directly or indirectly consciously or unwittingly, promote, sustain, or entrench differential treatment or advantage for some people and disadvantage for others.*

2) *Ensure that all messages are consistent with the CHS Mission Statement and do not reflect audist perspectives.*

3) *Participate in the removal of systems that promote Audism*

4) *Avoid practices of tokenism. Tokenism can be described as the practice of hiring a few members of racialized groups for relatively powerless positions in order to create an appearance of having an inclusive and equitable organization. In reality these individuals have little influence in the organization. At the same time, they are seen as representative of the group to which they belong and, as a result, their thoughts, beliefs and actions are likely to be taken as typical of all in their group. Token measures to promote organizational diversity do not work and circumvent substantive change.*

5) *Provide for captioning, interpreting, deaf interpreting and oral interpreting*

> *services on an equal basis, as they are needed.*
>
> *6) Maintain and enforce the ASL Proficiency Policy agency-wide.*
>
> *7) Maintain and enforce the Access & Accommodation Policy, agency-wide.*
>
> *8) Communicate in an inclusive manner in common areas if a deaf, hard of hearing or deafened person is present. This includes signing to the best of your ability when an interpreter is on break, etc.*
>
> *9) Address Audism issues in a timely manner and when appropriate, report offences according to procedures.*
>
> *10) Provide training and awareness opportunities on a regular basis to enhance overall understanding of Audism and how to avoid it.*

4.9.4 CHS's Internal ASL Proficiency Policy

Every employee is expected to achieve and maintain the signed language proficiency expectations for his/her position. This expectation is clearly defined for every position within CHS. Further, to the best of his/her individual ability, an employee is expected to behave and to communicate in a manner that is inclusive and sensitive. Failure to meet expectations because of unacceptable reasons and/or behaviours may result in discipline.

5. Structured Recommendations for Action Items

Given the systemic presence of ableism and audism, the following recommendations are made in a spirit of collaboration and support to improve deaf and hard of hearing individuals' human rights in the Ontario educational system.

5.1 *Ministry of Education should develop Guidelines on Removing Barriers for Deaf and Hard of Hearing Students*

Given the legislation now in place which mandate barrier free learning environments:
- UN Convention on Rights of Persons with Disabilities
- Accessibility for Ontarians with Disabilities Act
- Education Act
- Human Rights Code,

the Ministry of Education must carefully consider ways to ensure that Deaf and hard of hearing students are not denied basic access to language, communication and a quality education. To this end, the Ministry of Education is encouraged to develop "Guidelines for Removing Barriers for Deaf and Hard of Hearing Students," which will guide school boards to develop their internal policies and practices to improve educational services for deaf and hard of hearing students. A few principles of these guidelines:
- Parents of newborns with hearing loss should be provided with as much balanced information on the various options for education—including the detrimental effects of late first language acquisition, ASL/English or LSQ/French bilingual education, auditory and oral education. No avenue for learning should be denied Deaf and hard of hearing children; the benefits of both visual and auditory approaches to learning should be articulated in a clear, research-based manner.

- School Boards should be provided a model of an internal Anti-Ableism and Anti-Audism policy which defines these forms of discrimination and sets policies in place to ensure full access to language and communication for deaf and hard of hearing students and teachers.

- Guidelines should be informed by Recommendation 5.2: the development of a comprehensive language plan for signed, written and, where appropriate, spoken language instruction for Deaf and hard of hearing students.

5.2 *Ministry of Education should develop a comprehensive Language Plan for ASL and LSQ*

Given the mandate of the UN Convention of Persons with Disabilities *3.b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community,* the Ministry of Education should develop a comprehensive language plan for the learning of sign language. For each of the following areas involved in language planning, the Ministry of Education is encouraged to lead school boards in their efforts at implementing:

- *Acquisition Planning:* An Acquisition Plan would articulate the specific learning outcomes, curriculum, standards and assessments for learning ASL and LSQ for first language and second language users. This plan would endorse the Ontario Teachers College in its effort to minimum proficiencies for teachers of Deaf and hard of hearing students. This plan would also ensure ample opportunity for students to have access to a signed language in Provincial Schools for the Deaf.

- *Status Planning:* A Status Plan would endorse the recognition of ASL and LSQ as languages worthy of course code credit in high schools.

- *Corpus Planning:* A Corpus Plan is the effort to create a body of literature in a minority language. A corpus plan for the use of ASL and LSQ in academic settings would include the planning and creation of bilingual material to enhance learning of both signed and spoken languages.

- *Attitude Planning:* A significant manifestation of ableism and audism consists in the denigration of signed languages, which have historically been seen as inferior to spoken languages and which continue to be de-valued as observed in the three Canadian university Deaf Education programs where only one has any ASL outcomes for prospective teachers of the Deaf. Neurolinguistic studies, however, have demonstrated that signed languages are every bit a part of the human language potential. An attitude plan would articulate a strategy to reframe signed languages from the common misunderstanding to seeing them as a cognitive resource of immense advantage to deaf, hard of hearing and hearing individuals.

Resources:

Gallaudet University

1. **The Office of Bilingual Teaching and Learning (OBTL)** is housed within the Office of Academic Quality (OAQ) within Academic Affairs. The purpose of the Office of Bilingual Teaching and Learning is to coordinate activities in support of the University's bilingual mission, primarily strategic planning and faculty development. The Office will also guide the process for the creation of a more comprehensive Center for Bilingual Teaching and Learning. See details at http://bilingual.gallaudet.edu http://bilingual.gallaudet.edu/

2. **The Center for ASL/English Bilingual Education and Research** (CAEBER) envisions high academic achievement for deaf and hard of hearing students by facilitating proficiency in both American Sign Language and English and providing professional development in ASL/English bilingual assessment, curriculum and instructional strategies; as well as the effective use of language planning and cutting-edge technology to facilitate development of both languages academically. See details at http://www.gallaudet.edu/CCS/LPI_and_CAEBER.html

3. **The Laurent Clerc National Deaf Education Center** at Gallaudet University provides information, training, and technical assistance for parents and professionals to meet the needs of children who are deaf or hard of hearing. Our mission is to improve the quality of education afforded to deaf and hard of hearing students from birth to age 21 throughout the United States. See details at http://www.gallaudet.edu/clerc_center.html

4. **National Deaf Education Project** (NDEP) was established in 1998 to articulate and work toward the development of a quality communication and language-driven educational delivery system for students who are deaf or hard of hearing. The Board of the NDEP is comprised of representatives of Gallaudet University, the National Technical Institute for the Deaf, the National Association of the Deaf, the American Society for Deaf Children, the Conference of Educational Administrators of Schools for the Deaf, and the Convention of the American Instructors of the Deaf. http://www.ndepnow.org/

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