



Oregon Deaf and Hard of Hearing Access Program - Technical Assistance Center
Technical Assistance and Information Series

ADA and Effective Communication: **Conventions and Conferences**

Introduction



The Americans with Disabilities Act (ADA) is a Federal civil rights law for persons with disabilities. The basic purpose of the ADA is to prohibit discrimination in employment (Title I), ensure equal access to services of state and local governments (Title II), and ensure equal access to "places of public accommodations"¹ (12 categories of private businesses and/or non-profit organizations) (Title III). One of the major areas of equal access is "effective communication" for persons who are deaf², hard of hearing³, or late-deafened⁴.

In, general, the concept of "effective communication" for persons who are deaf, hard of hearing, or late-deafened refers to the assurance of equal access to any aurally delivered communication that is part of a service, activity, or event of a covered entity. This is usually accomplished with *auxiliary aids and services*⁵. In general, the ADA requires that covered entities provide the auxiliary aids or services, at their own expense, that are necessary to ensure effective communication, unless doing so creates an *undue burden*⁶. One of the many settings where covered entities are required to provide effective communication is at conventions and conferences.

Conventions and Conferences

Professional associations, trade groups, public agencies, industries, non-profit organizations, training institutes, corporations, and many other organizations organize and/or sponsor conventions and conferences. Most entities that are organizing and/or sponsoring any given convention or conference are covered by Title II or Title III. Both Title II Title III require covered entities to ensure "effective communication" in order to ensure that clients, customers, or participants who are deaf, hard of hearing, or late-deafened can participate equally. As mentioned before, effective communication is usually achieved through the provision of *auxiliary aids and services*². If auxiliary aids or services are required in order to achieve effective communication, then it is the responsibility of the respective entity or entities to arrange the auxiliary aid or service. Any costs associated with the necessary auxiliary aids or services must be absorbed by the entity without any surcharges or other additional expenses transferred to the participant. No entity is required to do anything that would pose an *undue burden*³

In general, the auxiliary aid or service that the client, customer, or participant is requesting is likely the one that is required for effective communication under the ADA. There are many kinds of auxiliary aids and service, but the most commonly used ones to ensure effective communication in many interactive settings are qualified sign language interpreters, assistive listening devices, and realtime captioning.

Qualified Sign Language Interpreters



*Qualified sign language interpreters*⁷ are highly skilled professionals. They must be able to listen to another person's words, inflections and intent and simultaneously render them into the visual language of signs using the mode of communication preferred by the person who is deaf. The interpreter must also be able to comprehend the signs, inflections and intent of the person who is deaf

and simultaneously speak them in articulate, appropriate English. They must understand the cultures in which they work and apply that knowledge to promote effective cross-cultural communications.

For most persons who are deaf, American Sign Language is their primary mode of communication. American Sign Language is very different from English with its own grammar and syntax. It is a very rich language and is the basis for what many refer to as Deaf Culture, a strong cultural bond with its own history, social rules, and folklore. Sign language interpreting is a very difficult skill and the profession has excellent certification programs and extremely high ethical standards.

Qualified sign language interpreters are usually freelance contractors; however, there are sign language interpreter referral and scheduling services in larger communities. It is recommended that entities needing sign language interpretation services use these agencies in order to ensure the quality and skill of the interpreter. Many interpreters have been nationally certified by the Registry of Interpreters for the Deaf (RID) or the National Association of the Deaf (NAD). Skill level varies greatly among sign language interpreters, so it is important to use one that can ensure effective communication in any given setting. Rates vary, as well, with nationally-certified sign language interpreters usually ranging between \$35 and \$50 per hour depending on what level of certification they have obtained. "Pre-certified" interpreters, who do not have any certification, will usually be between \$15 and \$25 per hour depending on experience and education. Again, it is recommended that entities use referral services to ensure that the provider is qualified for the assignment.



For settings where the communication is continuous and longer than 2 hours, a team of interpreters will typically be necessary in order to prevent fatigue and cumulative motion injury. In some rare instances, a team may be needed for shorter assignments, as well.

Always consult the person who needs the sign language interpreter, they will often have interpreter preferences and can assist the covered entity in meeting their needs.

Sign Language Interpreters: Specific Considerations for Conventions and Conferences

It is recommended that entities use professional sign language interpreter scheduling agencies when arranging qualified sign language interpreters for conventions and conferences. This will ensure that all of the proper elements are addressed. Otherwise, there are a few items that organizations should consider. First, the easiest way to meet the needs of the individual who is deaf is by simply assigning a team of interpreters to that person. This overcomes any confusion about what main session or breakout activity should be covered. This option may not be cost effective if there are multiple participants who are deaf. If there are multiple participants who are deaf, organizers should plan on the participants being interested in different sessions, thus requiring additional interpreters. Organizations should also include the interpreters in whatever kinds of meal arrangements and other such elements of the convention or conference.

Assistive Listening Devices



Another auxiliary aid or service for ensuring effective communication is the assistive listening device (ALD). ALDs are auxiliary aids that assist persons who are hard of hearing. The basic purpose of an ALD is to take the desired audible information (presenter, speaker, panel members, etc.) and transmit it directly to a person's hearing aids or receiving device. Although the listener has individual

volume control, the main purpose is not to make the information louder, but rather to eliminate background noise and "cut the distance" between the speaker and the listener. The result is that the listener can focus solely on the person(s) speaking, thereby, being able to participate more fully. The effectiveness of an ALD depends greatly on the set-up of microphones. Some settings only require one microphone (i.e. there is only one presenter or speaker). Other settings may require multiple microphones and even mixers in order to ensure that each person speaking is adequately transmitted through the ALD (i.e. board meetings, panel discussions, etc).

There are many types of ALDs that use several types of transmission technologies (FM radio, Infrared, Induction, etc.) Each setting will require a different application depending on the size of the room, the number of persons speaking, and the individual's needs. In most areas, entities can borrow or rent ALDs from community organizations or ALD dealers. Purchasing assistive listening devices is recommended if the entity is likely to need the equipment on a regular basis.

Always consult the person who is hard of hearing, they are often the "expert" when it comes to what works best for them.

ALDs: Specific Considerations for Conventions and Conferences

*If a participant needs ALDs for a convention or conference, the organization should try to locate an agency or provider that can set it up properly. There are many technical details to consider that usually require professional assistance. Hard of hearing service organizations or local chapters of Self-Help for Hard of Hearing (SHHH) may be able to provide more information on ALD's. Most audio/visual providers do **not** understand or*

have experience with ALDs, although, some settings will require multiple microphone/mixer systems thereby still requiring their services. Often, there is already a microphone system set-up for any given session, either auxiliary PA equipment or built in equipment such as systems found in hotel conference rooms. ALDs can easily connect to pre-existing PA systems, which can reduce some of the complexities, involved in their use.

Realtime Captioning



Realtime captioning or computer aided realtime transcription (CART) as it is sometimes called, is another auxiliary aid or service that can ensure effective communication. A wide variety of persons who are deaf, hard of hearing, or late-deafened use realtime captioning, although it tends to be used mostly by persons who are severely hard of hearing or late-deafened. Without getting too technical, realtime captioning involves a highly skilled court reporter who captures what is being said using a phonetic-based language and a stenotype machine. The information from the stenotype machine is instantaneously fed into a computer that uses specialize software to convert the information into English and display it on a monitor or data projector. The result is an instantaneous visual text display of what is being said, much like closed captioning on television. It is very accurate (assuming the provider is qualified) and usually has a lag time of only a couple of seconds at most. Although realtime captioning can seem overwhelming, a qualified provider can make the process very simple and understandable. Costs can range from \$40 per hour to \$90 per hour depending on the certifications and experience of the provider. The equipment and software that these providers use can total \$15,000 or more and most providers only have a couple of assignments a month so this is an expensive service to offer.

The display medium for realtime captioning is very important. Depending on the setting the captioning can be displayed on a laptop screen, an auxiliary computer monitor, an LCD Panel with overhead projector, a data projector, a television screen, and even "encoded" or mixed with a video signal to display at the bottom of a broadcast when presenters are projected on screens. It is very important to discuss the most appropriate display medium with the captioning provider. They will know which one will work best for any given setting.

Realtime Captioning: Specific Considerations for Conventions and Conferences

As mentioned before, equipment considerations are of the utmost importance. Often there is confusion over equipment obtained for presenters as opposed to the equipment that is set-up for the realtime captioner. It is important to plan well in advance and get exactly the kind of equipment that the realtime captioner has indicated. Otherwise, the realtime captioner will be the best resource for any other details that need to be addressed. It is important to understand that there is setup time involved. If adequate setup time cannot be arranged between sessions, it may be necessary to have an additional captioner in order to ensure that "break-out sessions" are adequately covered. Additional captioners also might be needed if there are multiple participants needing the service.

Conclusion



Although it may not appear so at first, effective communication under the ADA is really a simple concept. Covered entities are required to take whatever steps necessary to ensure that people who are deaf, hard of hearing, or late-deafened can participate equally. The best way to ensure that the correct auxiliary aid or service is provided, is to consult the individual needing it. Whether it is qualified interpreter, assistive listening devices, realtime captioning, or one of the many other auxiliary aids or services, the providers will assist entities with the details of arranging the services. The only real step that the entity must take on its own is the decision to make their services, benefits, programs, or other activities available to all who are qualified, including persons who are deaf, hard of hearing, or late-deafened.

¹ **Places of Public Accommodation:** The ADA defines places of public accommodations as: (A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor; (B) a restaurant, bar, or other establishment serving food or drink; (C) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment; (D) an auditorium, convention center, lecture hall, or other place of public gathering; (E) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment; (F) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment; (G) a terminal, depot, or other station used for specified public transportation; (H) a museum, library, gallery, or other place of public display or collection; (I) a park, zoo, amusement park, or other place of recreation; (J) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education; (K) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and (L) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation. *Although the categories are exhaustive the list is not*

² **Persons who are deaf:** Persons with a significant hearing loss who use sign language as their primary mode of communication. Although persons who are deaf sometimes use hearing aids, it is usually only for detecting environmental sounds.

³ **Persons who are hard of hearing:** Persons with a hearing loss that communicate orally and usually rely on their residual hearing. They will usually have hearing aids (not always) and will sometimes use assistive listening devices in larger settings.

⁴ **Persons who are late-deafened:** Persons who have lost most, if not all, of their hearing later in life. They usually cannot rely on their residual hearing and often do not know sign language.

⁵ **Auxiliary Aids and Services:** As defined by the ADA, *the term auxiliary aids and services includes: qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for the deaf (TDD's), videotext displays, or other methods of making aurally delivered materials available to individuals with hearing impairments.*

⁶ **Undue Burden:** "Undue burden" is defined as "significant difficulty or expense." Among the factors to be considered in determining whether an action would result in an undue burden are the following --

- 1) The nature and cost of the action;
- 2) The overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site;
- 3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
- 4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- 5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

⁷ **Qualified Sign Language Interpreter:** As defined by the ADA, a qualified sign language interpreter *means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.* It is the position of this program that in the absence of any other factor, a qualified interpreter is one with certification from either RID or NAD. Although, there are many interpreters without RID or NAD certification that may be qualified for any given assignment, most entities will not have the knowledge necessary to make that determination.