



FOR IMMEDIATE RELEASE
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Human Rights decision fails to recognize the right of Deaf students to post-secondary education taught in American Sign Language

Last week, the Manitoba Human Rights Adjudication Panel decided that it was not discriminatory for the Province to refuse to adequately fund a Deaf student to attend a university for the Deaf and Hard of Hearing. The Commission is disappointed that the decision has failed to recognize the right of Deaf post-secondary students to learn in their own language, American Sign Language (ASL).

The Complainant, Cody Zimmer, was a participant in Manitoba's MarketAbilities program, which provides vocational support to persons with disabilities, including funding to attend post-secondary education. As part of his vocational goals, Mr. Zimmer sought support from the Province to pursue a post-secondary degree. Mr. Zimmer is Deaf and planned to attend one of the world's only universities that teaches students in his first language, ASL. The Province agreed to support Mr. Zimmer's vocational goals, however capped his level of funding support at the tuition amount associated with a hearing based post-secondary institution in Manitoba.

Mr. Zimmer and the Commission argued that the Province discriminated against him and other Deaf participants of the MarketAbilities Program. It was argued that while Manitoba paid for other program participants to attend university and learn directly, the Deaf and Hard of Hearing were expected to attend university and learn in a mediated environment through an interpreter. It was argued that Deaf people should receive instruction directly from professors like other program participants. In other words, the Complainant and Commission alleged that the Province's decision denied Mr. Zimmer and other Deaf Manitobans equal access to the benefits associated with the MarketAbilities program.

"While we respect the authority of the Manitoba Human Rights Adjudication Panel, we respectfully disagree with these findings," said Karen Sharma, A/Executive Director of the Commission. "Human rights law is predicated on the notion that all individuals deserve equality of opportunity. Deaf Manitobans deserve the same benefit of government services as all other Manitobans. We continue to believe that the Province's MarketAbilities ought to ensure that Deaf Manitobans receive funding and services that are substantively commensurate with the benefits received by all other Manitobans. For some individuals, an education that is mediated by an interpreter is not appropriate."

Mr. Zimmer also expressed dismay regarding the decision, “I am disappointed by the findings of the Manitoba Human Rights Adjudication Panel. I continue to believe that the Deaf community deserves the right to choose the kind of educational paths they pursue, a right that is available to all other Manitobans. Where government funding programs have been designed to assist the Deaf community attain their vocational goals, we should not be required to do so in a hearing based environment.”

While the decision did not yield the anticipated results, the Commission urges the public to continue to pursue these types of complaints of discrimination. “While we were not successful in proving this complaint of discrimination, we will continue to advance these issues through the cases we argue before the Adjudication Panel and our public education work.”

The full decision can be found at www.manitobahumanrights.ca/v1/decisions/index.html. For more information or to arrange an interview please contact hrc@gov.mb.ca or (204) 945-3007.