

Access to Electronic Media for the Hearing And Vision Impaired

Comments of Janice Schacter

INTRODUCTION

My comments are based on living in the United States with a 14-year old daughter who has a hearing loss. I am the Chair of the Hearing Access Program, which is a collaborative effort between the Alexander Graham Bell Association for the Deaf and Hard of Hearing, Hearing Loss Association of America and The League for The Hard of Hearing. The goal of the Hearing Access Program is to assist organizations such as museums, theaters, amusement parks, cruise ships, networks and corporations achieve appropriate access for people with hearing loss.

In addition, I am a member of the Federal Communication Commission's Consumer Advisory Committee and the US Access Board's Passenger Vessel Access Guidelines Emergency Alarm Committee. My comments are based on my work in these roles and are confined solely to hearing loss.

DISCUSSION:

The following Comments are in response to the request for "Issues for Comment and Submissions":

1. The current levels of captioning on free-to-air television including digital multi-channels, subscription television, DVDs and films in cinemas, including cinemas in regional areas, in Australia.

Captioning should be applied to 100% of all television programming including subscription television, DVDs and films. Just as Australia would not tolerate discrimination to its citizens based on race, religion, gender nor sexual orientation, nor should it tolerate discrimination based on disability. Disability access is a human right. Captioning less than a 100% of the television programs including subscription television, DVDs and films prevents Australia's citizens from fully participating in society.

Captioning permits someone with a hearing loss to watch television. Watching television is important for social and safety reasons. Television, DVDs, cinema and the Internet are cultural phenomena that allow a person to participate in today's world. The television and the Internet also disseminate critical safety information in a timely manner.

A person with hearing loss should not be relegated to attending the cinema at restricted

times or to sitting in certain sections of the theater. Open-captioned movies need to be available at each showing so that people with hearing loss can view a movie whenever and wherever they desire just like everyone else. Captioning is now available in public places such as gyms, restaurants, bars, airport lounges, waiting rooms, hotel lobbies and other large noisy areas and is now viewed positively even by people without a hearing loss.

3. The costs of providing captioning on free-to-air television including digital multi-channels, subscription television, DVDs and films in cinemas, including cinemas in regional areas in Australia.

The cost of captioning is no different than any other television, DVD, Internet or cinema production cost. Captioning is just another line item in the budget and is no different than marketing or promotional costs. Disability access cannot be thought of as a special cost that should be borne by someone else but needs to be the cost of doing business.

In the alternative, the captioning cost could be a sponsorship opportunity that could generate good will. In the United States, companies often receive an acknowledgement at the end of a program for underwriting the costs of captioning.

The lack of sponsor, however, should not prevent a program from being captioned.

5. The captioning of advertising content on these media.

All advertising content should be captioned for the same reasons as stated above. The cost to advertisers is inconsequential. In the United States, the cost to caption a 30-second commercial is approximately \$200 U.S., which is negligible when compared to the overall cost of producing a commercial. Again, captioning must be considered another line item in the commercial's production budget.

6. The captioning of audio-visual content that is distributed via the Internet.

This is difficult to impose when consumers post content on the Internet. All real or commercial content, however, should be 100% captioned. Consumers with hearing loss should not be left out of the Internet.

7. The extent to which the quality of captions can be effectively measured and standardized for different types of content, including live content.

a. Standards of Quality

Captioning quality standards need to be imposed. Without mandated standards, there is:

- No Accountability: No one is tracking, monitoring and/or logging the captioning.
- No Standards: Each company is free to develop its own “style” and there is no consistency from program to program. Each company then considers the style proprietary information and there is no best interest of the consumer with hearing loss. Networks and government agencies will not work together for fear of legal retribution.
- No Service Level Agreements: There is no incentive for networks and production companies to ensure there is an appropriate level of service and pay an appropriate fee for this service. Captioning contracts will be awarded to the lowest bidder since there is no incentive to pay more for quality captioning. Words on the screen and nothing more will count as captioning.
- No Centralized Purchasing of Captioning: Captioning will be purchased on a show or production company basis and thus the quality and style will vary by show.
- No “one-stop shopping place” for the consumer to file complaints: The consumer is caught between the captioning company, the production company, the network and the cable company. The ultimate captioning responsibility will vary based on the show. The consumer has no ability to determine whom to contact regarding poor captioning.
- No incentive to ensure reality shows are not captioned live: Production companies like to caption reality shows live because it requires no advance work and the ending will not be revealed. These benefits outweigh the increased costs to the production companies. For the consumer with hearing loss, however, the captioning quality is significantly reduced since there is no opportunity to correct captioning errors. Live captioning should only be used for truly live shows. Non-Disclosure Agreements, on-site captioners and appropriate time schedules permit appropriate captioning for reality shows. Shows that need to be captioned live should require a Broadcast Coordinator to arrange the advance materials so the captioner can build a dictionary.
- No upgrading of technology or software: Some captioning companies may fail to upgrade their technology and software since there is no incentive to provide quality captioning.

Separate standards need to be developed for pre-recorded and live shows. The recommended standards are:

Pre-Recorded Shows

1. Words

- No deletion of letters.
- No combining of words.
- Include all spoken words verbatim and not allow paraphrasing.
- There should be a 100% spelling accuracy rate.

No word should be misspelled. Just as there should not be any spelling errors in any document submitted to a government agency so should there not be any spelling errors on television. Proofreading is critical and should apply to captioning.

When my daughter was younger, we had lengthy discussions over why the word, "flower" was used for baking instead of "flour" on an episode of *Martha Stewart*. This is confusing to a child and affects how a child learns. A child should never think that spelling does not matter.

2. Music

- Include the words for all music.
- Describe type of music when the music does not have words. E.g. dramatic music.

3. Sounds

- Identify all sounds unless obvious.
- Include "ums". It is dangerous to allow a captioner to make editorial decisions.

4. Conversations

- Include background conversations.
- Identify the speaker when not visible.
- Identify the speaker with upper case and a colon. E.g. SUSAN:
- Place captioning in position of speaker's location when there are multiple speakers on screen.
- No paraphrasing.

5. Caption Placement

- Captions should not obscure information relevant to understanding or enjoying a program such as but not limited to covering people's faces, descriptive banners. The attached photos from *American Idol* demonstrate this issue. No captions should ever run across a person's face. The singer's head is not visible and appears decapitated.



6. Captioning Style

- Use mixed case letters. Television screens now permit the adjustment of font size and updated software no longer deletes the descenders of letters such as “g” or “q”. Therefore, upper case should not be used.
- Require Pop-up versus roll-up format.
- Begin pop-up as the person speaking begins the first word of the pop-up.

Live Shows

7. A minimum accuracy level of 96-97% should be expected.
8. Mixed case should be required.
9. Only true “live” shows should caption using the live technique and standards. Shows taped earlier in the day and reality shows should not caption live.

10. All live shows should be required to have a Broadcast Coordinator. The Broadcast Coordinator can supply a list of words to the Captioner that are likely to be used during the show. The show is not able to supply every word but they can supply a list of topics, names of guests and any points likely to be discussed.
11. Include the captioner's name in the credits. This can be either a real or fictitious company produced name. Giving ownership to the captioner will be an incentive to the captioner to work harder to ensure the words are spelled correctly.

The standards should be reviewed annually. Some companies are already using the above standards but there is no consistency.

Many companies bid their captioning contracts based on price alone. There cannot be quality captioning when price is the sole determiner for obtaining a contract. People with hearing loss have no market force to affect change. I personally spent an incredible amount of time working with one network on one show. It is not possible to affect change across the board without minimum standards.

b. Measurements

Captioning, at this time, can only be monitored by conducting systematic checks. Accuracy levels should be measured for understandability.

Complaints should be easy to file on-line, through a toll-free number and by mail. The consumer should not need to wade through a myriad of information to determine who and where to file the complaint.

Monthly meetings to review the data are necessary. A firm and rapid timeline should be implemented when a complaint is filed. Strict adherence with penalties for failure to comply with the timeline is also important to ensure compliance.

8. The appropriate roles for the Human Rights and Equal Opportunity Commission and the Australian Communications and Media Authority in relation to access requirements under the Disability Discrimination Act 1992 and the Broadcasting Series Act 1992.

My response to this question is based on the United States standards since I am unfamiliar with Australia's regulations.

The requirements need teeth. Without accountability and penalties there is no ability to enforce the rules. The government should be required to monitor captioning so that the consumer is not forced to file complaint after complaint to affect change. This is tiring and burdensome.

A standardized form and contact person should be easy to locate so that there are not barriers to file a complaint.

9. How changes to regulatory requirements for access to electronic media should be implemented.

Access must be transparent to be effective. A phase-in of the captioning rules is recommended. This timeline should be rapidly implemented. A website should also be established explaining the regulations and where complaints can be filed.

10. The extent to which standards for digital television transmission and domestic digital television receivers should provide for captioning.

The rules for digital transmission should be the same as for analog transmission.

SUMMARY

Watching television and DVDs, surfing the Internet and going to the cinema can be a terrific experience but it can also be extremely frustrating to a person with hearing loss and their family when there is inappropriate access. People with hearing loss need to receive the same safety information from television and the Internet as people without hearing loss. People with hearing loss can only fully participate in society when there is a 100% captioning available on television, cinema, the Internet and DVDs.

The lack of uniform quality captioning in the United States demonstrates that voluntary compliance does not work. Standards and accountability are essential for appropriate and effective quality captioning.

The Director of The New Jersey Division on Civil Rights stated on page 6 of their comments to the FCC to regulate captioning standards that " without captioning, these communities are marginalized. This is the very curse of discrimination which the Division seeks to eliminate and which the FCC should also seek to eliminate." The same can be said in Australia. Communities are marginalized when they do not have appropriate access to television, cinema, the Internet and DVDs.

The Australian government should determine what is in the best interest of people with hearing loss and not what is easiest or least costly for the industry. The goal of captioning needs to be the functional equivalent of sound and should be nothing less.

Sincerely,

Janice L. Schacter
2008