

Access and Accommodation for Students With Disabilities	
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Approved by Board of Governors:	<i>Original:</i> December 2, 1998 <i>Revisions:</i> May 27, 2004; March 25, 2009; January 27, 2016
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Administrative Contact for Policy Interpretation:	Director, Counselling & Accessible Education Services
Linked to an Operating Procedure:	<input checked="" type="checkbox"/> Yes # 7-701 OP <input type="checkbox"/> No <i>Access and Accommodation for Students With Disabilities</i>

Policy Statement

At Fleming College, we are committed to building an inclusive and accessible learning and working environment. We believe in and promote the rights of all persons with disabilities as enshrined in the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code, and the Accessibility for Ontarians with Disabilities Act (AODA, 2005) and its related Accessibility Standards Regulations. The College supports the intent of the AODA and its goal of achieving accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodations, employment, buildings, structures and premises. The College also affirms the rights of all persons, including those with disabilities, to have access to equal opportunity in employment, education, accommodation or business dealings with the College.

The College commits to inclusive design, systematic removal of barriers and accommodating the remaining needs. Counselling & Accessible Education Services is responsible for leadership in the delivery of accommodations and services for students with disabilities at Fleming. This includes setting operational procedures, administration of funding targeted for the provision of services for students with disabilities received by the government and working with other areas of the College to promote the systematic removal of barriers.

Purpose

This policy is intended to support the College's duty to accommodate under the *Ontario Human Rights Code* by establishing a formal approach to the process of providing students with disabilities access to disability accommodations and services as well as to meet the requirements of the AODA Customer Service Standard.

Scope

This policy shall apply to all students enrolled at Fleming whether full-time or part-time.

Definitions/Acronyms

Accommodation: An academic accommodation is an individualized adjustment to how a student accesses or participates in a course or program. Academic accommodations are individualized to the student's specific needs and the program requirements. Academic accommodations do not alter the learning outcomes or essential program requirements.

Reasonable: Those accommodations which do not impose undue hardship on the College which may include but is not limited to significant alteration to the fundamental nature of the learning outcomes and/or the academic standards of a program or course; significant alteration to a work process that would disadvantage other employees; substantial economic hardship to a College program or department that would affect its economic viability; significant adverse impact on learning opportunities for other students; the health and safety of other students or employees and/or safety hazards to other persons or property; or significant disruption of College operations. What is reasonable must be determined objectively on a case-by-case basis, based on all the circumstances of the case. Where there is more than one reasonable approach to accommodation, the College reserves the right to choose the approach that is best suited to its operational and academic requirements.

Disability: Section 10 (1) of the *Ontario Human Rights Code* defines “disability” as follows:

- a. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b. a condition of mental impairment or a developmental disability,
- c. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d. a mental disorder, or
- e. an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*

The *Policy and Guidelines on Disability and the Duty to Accommodate* elaborates on this definition to emphasize the subjective component of “Disability”. The term should be interpreted in broad terms and includes both present and past conditions, as well as a subjective component based on perception of disability.

Because it may not be obvious, it is worth noting that this definition of disability includes learning disabilities, mental illness, attention deficit/hyperactivity disorder, and autism spectrum disorders.

General Principles

This policy echoes the principles articulated in the Ontario Human Rights Commission document *Policy and Guidelines on Disability and the Duty to Accommodate* (Section 4).

Respect for Dignity

All practices and procedures related to the accommodation of students with disabilities are grounded in a respect for the student’s dignity. This specifically includes:

- respect for the student’s privacy and confidentiality by all Fleming employees who play a role in the accommodation process;
- always ensuring that the student with a disability is a full participant in the accommodation process;
- promoting the autonomy of students with disabilities.

Individualized Accommodation

Each student’s needs are unique and as such the accommodations provided to students are always determined based on the student’s needs vis-à-vis their program or course requirements.

Integration and Full Participation

The principle of integration and full participation begins with inclusive design. Under its AODA obligations, the College has committed to principles of Universal Design for Learning. Following this is the prevention and removal of barriers, including physical, systemic and attitudinal barriers, so students with disabilities are able to access their programs and face the same duties and requirements as other students with dignity and without impediment.

Where barriers continue to exist then accommodation should be provided short of undue hardship. Accommodating students with disabilities by providing them with differential treatment must be done in a manner that best promotes their dignity and integration.

Related Documents

- Ontario Human Rights Commission Policy and Guidelines on Disability and the Duty to Accommodate available at <http://www.ohrc.on.ca/en/book/export/html/2461>
- Ontario Human Rights Commission Guidelines on Accessible Education, available at <http://www.ohrc.on.ca/en/guidelines-accessible-education>
- Administrative Operating Procedure #7-701 OP, *Access and Accommodation for Students With Disabilities*
- College Policy #3-341, *Accessibility for Persons With Disabilities*
- Administrative Operating Procedure #3-341 OP, *Accessibility for Persons With Disabilities*
- College Policy #3-311, *Harassment and Discrimination Prevention*
- Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*

Appendices

N/A

History of Amendments/Reviews:

Section(s)	Date	Comments
New Policy	1988	• Board approval of policy (Resolution BoG Dec2-1998 #2)
Full Policy review	May 27, 2004	Review noted
Procedure reviewed and revised	March 13, 2008	Review noted
Revised Policy and Appendix 1	March 2009	• Board approval of revised policy (Resolution BoG March25-2009 #3)
Regular review	Jan 2013	Review undertaken as required under the Multi-year Accessibility Plan
Regular review	Dec 2015	Review undertaken as required under the Multi-year Accessibility Plan; new format (separation of procedure from policy); updated language; addition of definitions • Board approval of revised policy (Resolution BoG Jan27-2016 #1)