

## SIR SANDFORD FLEMING COLLEGE

### POLICY MANUAL

<b>POLICY NO.</b> 7-701	<b>APPROVED BY:</b> BOARD OF GOVERNORS
<b>DATE APPROVED:</b> December 2, 1998 #2	<b>SUPERCEDES:</b>
<b>Reviewed</b> May 27, 2004 (not requiring Board approval)	
<b>Procedure Revised</b> March 13, 2008	
<b>Policy and Appendix I Revised</b> March 25, 2009 #3	
<b>SUBJECT: ACCESS AND ACCOMMODATION FOR STUDENTS WITH DISABILITIES</b>	

Sir Sandford Fleming College is committed to providing, short of undue hardship, equal access to services, facilities and educational programs to students with disabilities. All areas of the College are accountable in terms of ensuring that equal access is available.

Sir Sandford Fleming College is committed to the principles outlined in the College's *Mission* statement, *Harassment and Discrimination Prevention* policy, *Student's Rights and Responsibilities* policy, the accommodation provisions of the *Ontario Human Rights Code*, the principles of inclusion articulated in the *Ontarians With Disabilities Act* and in the *Accessibility Standards for Customer Service, Ontario Regulation 429/07*; and finally, the rights embodied in the *Canadian Charter of Rights and Freedoms*.

To fulfill these commitments, Sir Sandford Fleming College will develop appropriate procedures, which will be monitored and reviewed, to ensure access and accommodation for students with disabilities.

# **PROCEDURE: Access and Accommodation for Students with Disabilities**

Procedure Revised March 13, 2008

## **1.0 REQUESTING ACCOMMODATION DUE TO DISABILITY**

- 1.1 The College will communicate to students, and potential students, the mechanism by which requests for accommodation are made.

The following are examples of how this occurs:

- The Admissions department includes, as part of the general information which is mailed out to students who have been accepted, specific instructions regarding disclosure procedures for disability needs.
- Disability accommodation information is provided in College calendars and other College publications.
- Disability accommodation pamphlets are displayed prominently at College recruitment events.
- Staff inform people about such procedures over the phone.
- A web page on Disability Accommodations is established on the College web site.

NOTE: For discussion on Program Requirements, Accommodation, and Undue Hardship, please refer to Appendix I.

- 1.2 A person who wishes to request accommodation has a responsibility to communicate his or her needs in sufficient detail and lead time, and to cooperate in consultations to enable the College to respond to the request.

Some forms of accommodation require substantial notice of 10 weeks or more. Examples include but are not limited to: Braille, taped texts, and ASL interpreters. Failure to provide sufficient notice may negatively affect the College's ability to respond to accommodation needs without a resulting delay.

Persons who require accommodation must contact the College requesting an appointment with a College Counsellor to discuss their needs.

- 1.3 Returning students wishing to continue accommodation arrangements are required to meet with a College Counsellor prior to the beginning of each semester to discuss renewal of or changes to the previous arrangements.

## **2.0 DETERMINING ACCOMMODATION REQUIREMENTS**

- 2.1 The College Counsellor will assess the request for accommodation using the definition of disability as defined by the Ontario Human Rights Code:

*"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, including 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,*

*a condition of mental impairment or a developmental disability,*

*a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,*

*a mental disorder, or*

*an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997."*

2.2 After meeting and consulting with the person who has a disability, and after referring to pertinent documentation about the person's disability, the College Counsellor will recommend the appropriate accommodation(s), using the current interpretation of what providing accommodation entails:

*"The duty to adapt essential conditions or requirements, so that an individual can fulfil them."*

*"The provision of alternative ways for students with disabilities to meet these conditions or requirements."*

The following are examples of accommodations and support services which may, based on a College Counsellor's assessment, be utilized by persons with disabilities:

- technical aids such as assistive devices or equipment
- computerized note-taking for persons with sight or hearing impairment
- provision of alternatives to print media
- ASL interpretation
- counselling support
- assistance with learning strategies
- extra time for tests or alternative evaluation procedures
- peer note-taking and tutoring services
- pagers which vibrate for fire alarm purposes
- various physical accommodations within the College to address particular needs
- extension of the duration of time a student requires to complete a program
- substitution of courses deemed to be of equal value.

(Formal procedures are in place for most of the above mentioned accommodations to facilitate their implementation. Some accommodations require an approach which is unique to the needs of the individual.)

2.3 The College Counsellor will consult with others as appropriate (e.g. faculty, Plant & Property, Admissions & Records, Student Access & Referral Services, Learning Support Services, etc.) to discuss the recommended accommodation(s) and arrange implementation.

2.4 Teachers are not automatically informed about services and accommodations required for a student. Students are encouraged to advocate for themselves and the assistance they need. In appropriate circumstances, College Counsellors assist students to communicate with faculty about their disability and required accommodations.

To help certain students with disabilities in communicating their needs to faculty, Counsellors may provide *disability accommodation information memos* which have been developed for particular types of disabilities.

- 2.5 If a student with a medically related disability approaches Health Services, the College Nurses send out pertinent information to faculty regarding how to respond to health situations which present themselves in class. (e.g. what to do if a student with epilepsy has a seizure in the classroom).

### **3.0 COMPLAINT PROCEDURE**

Occasionally, disputes may arise concerning the provision of accommodation for students with disabilities. Such complaints are addressed under the College's *Harassment and Discrimination Prevention Policy*. The following is an overview of the complaint procedure:

#### **Informal Process - Option 1**

A student who feels s/he has a complaint should discuss it with the person who gave rise to the complaint. Harassment and Discrimination Advisors are available to provide advice or assistance in making this approach.

#### **Informal Process - Option 2**

A student who feels s/he has a complaint notifies the Director of Counselling and Learning Support Services and/or the Dean of her/his program to initiate an informal complaint.

#### **Formal Mediation**

The student who feels s/he has a complaint requests the College's Human Rights Officer to initiate formal mediation. Mediation will only be implemented if both parties agree.

#### **Formal Investigation**

A student who feels s/he has a complaint and is not satisfied with the results of the informal process or mediation or chooses, from the onset, to address the issue through the formal process, may submit a written request to the College's Human Rights Officer for a formal investigation.

For more information, see the Student Guide to the Harassment and Discrimination Policy, a College Counsellor, or a Harassment and Discrimination Advisor.

### **4.0 AUTHORITY**

All areas in the College are accountable for ensuring that the principles of this policy are upheld, however, it is the responsibility of the Executive Director - Student Services to ensure that the policy and any procedures or accommodations associated with it are assessed every three years. In upholding this responsibility, the Executive Director - Student Services will initiate formal review as required.

S/he draws the authority for this from the Board Policy on "Access and Accommodation for Students with Disabilities" (#7-701) dated December 2, 1998 and reviewed on May 27, 2004; revised March 25, 2009.

## PROGRAM REQUIREMENTS, ACCOMMODATION, AND UNDUE HARDSHIP

### **General Terms and Conditions Regarding Accommodation**

The Ontario Human Rights Code states that it is public policy in Ontario to recognize the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination.

To accommodate is to remove barriers which prevent persons with disabilities from enjoying equality of opportunity.

Equal access may not mean identical treatment, but treatment which would allow an individual with disabilities to fulfill the essential duties or requirements of a job or program with accommodations.

Such accommodations extend distinctly beyond a standard level of service provided for the non-disabled population; and concurrently, they relate directly to the specific disability the effects of which are to be ameliorated.

The College is committed to promoting the following principles, articulated in the *Accessibility Standards for Customer Service (Ontario Regulation 429/07)*:

- Dignity
- Respect
- Integration
- Equal opportunity

In accordance with the *Accessibility Standards for Customer Service*, the college will:

- ensure students with disabilities have access to their own personal assistive devices,
- permit the use of service animals unless the animal is otherwise excluded by law from the premises,
- in cases where a student with a disability requires the assistance of a support person, allow the student access to the support person,
- refrain from requiring a student with a disability to be accompanied by a support person unless the support person is necessary to protect the health and safety of the person with a disability or others.

### **Program Requirements**

Persons with disabilities are required to meet the program eligibility criteria and applicant selection criteria of their chosen course of study. The College will ensure that any such criteria are relevant to the program and can be met with the provision of accommodation short of undue hardship\*.

When it is necessary in determining whether an applicant has met the prerequisites for the program of instruction, the College will make the required accommodation short of undue hardship.

### **Undue Hardship**

Ontario's Human Rights Code specifies three factors which must be considered in assessing whether a requested accommodation would cause Undue Hardship:

**Costs** which are so substantial that they would alter the essential nature of the enterprise or would affect its viability.

**Outside sources of funding**, if any, which may be available to offset the costs of accommodation.

**Health and Safety Requirements** which may be modified or waived unless the remaining degree of risk outweighs the benefits of enhancing equality for persons with disabilities.

For further details, see pages 7 to 15 of the "Guidelines for Assessing Accommodation Requirements for Person's With Disability Under the Ontario *Human Rights Code*, 1981, as Amended".

Any assessment of an applicant's ability to meet published admission requirements will be based on the applicant's functional ability at the time of application. Anticipated physical or mental deterioration or incapacity will not be a factor in any assessment.

Prospective students must not be excluded from college programs due to a perception that it unlikely that the applicant will be successful in obtaining employment due to disability or lack of accommodations for that disability in the labour market. However, all students should be counselled as to the possibilities and realities of future employment in order to be able to make an informed decision. As part of the process, College Counsellors may link the student with academic staff, health services or other suitable sources of information to enable the prospective student to feel fully informed. The decision rests with the prospective student.

Once accepted in a program, students with disabilities are presumed to be capable of fulfilling the essential requirements of the program providing the necessary accommodation is maintained.

Employers or supervisors who accept College students for placement are subject to the same legislation on which this policy is based. Unless the placement might constitute a risk to others, written consent is necessary before the College will inform an employer about a student's disability.

An employer who is required under Human Rights legislation to make accommodation for placement of a disabled student is required to waive the provisions of Health and Safety legislation if the effect of applying that legislation serves to exclude the disabled student from placement. No waiver of legislative requirements can place another person at risk.

In determining whether such an accommodation will create undue hardship, employers must examine the remaining degree of risk and weigh it against benefits of enhancing equality for the disabled student.