

## ADMINISTRATIVE OPERATING PROCEDURE

Accessibility for Persons With Disabilities	
<b>Procedure ID:</b>	#3-341 OP
<b>Approved by:</b>	Executive Leaders Team – January 14, 2016
<b>Effective Date:</b>	January 27, 2016
<b>Next Review Date:</b>	January 2019
<b>Monitoring Responsibility:</b>	Human Resources / Human Rights Officer
<b>Linked to a College Policy:</b>	<input checked="" type="checkbox"/> Yes # 3-341 <i>Accessibility for Persons With Disabilities</i> <input type="checkbox"/> No

**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.

**Definitions/Acronyms**

**ACSS:** Accessible Customer Service Standard, Ontario Regulation 429/07

**AODA:** Accessibility for Ontarians with Disabilities Act (2005)

**Disability:** The definition of disability used in this operating procedure will be the same as that used by the Ontario Human Rights Code. That is, a disability is:

- 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.

**IASR:** Integrated Accessibility Standard Regulation 191/11

**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.

### **Operating Procedure**

As per the ***Accessibility for Ontarians with Disabilities Act (2005) and its related Accessibility Standards Regulations***, Fleming College will carry out annual accessibility planning and present the results in a multiyear format (3 to 5 years). The Multi-Year Accessibility Plan will identify;

- College objectives and the activities it will undertake in order to meet the requirements of the Standard;
- the administrative lead responsible for the accomplishment of objectives and the champions who carry out the major activities;
- the costs associated with the activities; and
- the legal compliance due dates of each item and the timelines within which each objective must be met.

The Accessibility Working Group oversees this planning process and reports annually to the Board of Governors. The group is made up of College employees from key areas, as well as persons with disabilities. The planning process is coordinated by the Human Rights Officer, who reports to the Vice-President Human Resources and Student Services. Questions regarding accessibility planning or requests for an alternate format can be directed to the Human Rights Officer.

Each area of the College that is identified in the Multiyear Accessibility Plan is responsible for the development, maintenance and implementation of specific operating procedures relating to these Standards. The specific requirements of each Standard are described in the appendices of this procedure and are addressed by the Multiyear Accessibility Plan.

### **Appendix A – Accessible Customer Service Standards**

- Alternate Formats
- Service Animals
- Service Disruptions
- Providing Feedback

### **Appendix B – Integrated Accessibility Standards**

- General Requirements
- Accessible Information and Communication
- Accessible Employment
- Accessible Transportation
- Built Environment

### **Complaints Procedure**

Occasionally disputes may arise concerning the provision of accommodations for people with disabilities. Complaints regarding accommodations are made through the College's Harassment and Discrimination complaint procedures (available online [here.](#)).

### **Supports for Individuals Considering Making a Complaint**

Individuals who are considering whether or not to make a complaint and who have questions about the complaint process may speak with the Accessibility Facilitator, the Human Rights Officer, or their

Union representative (if applicable). Additionally, students may also speak with their Student Administrative Council (Sutherland), the Student Association (Frost) or their Counsellor.

### Related Documents

- Accessible Customer Service Standard, Ontario Regulation 429/07
- Integrated Accessibility Standards, Ontario Regulation 191/11
- Multiyear Accessibility Plan 2015 – 2018 (endorsed by the Board October 28, 2015)
- Administrative Operating Procedure #3-341 OP, *Accessibility for Persons With Disabilities*
- College Policy #7-701, *Access and Accommodations for Students With Disabilities*
- Administrative Operating Procedure #7-701 OP, *Access and Accommodations for Students With Disabilities*
- College Policy #4-423, *Campus Security*
- College Policy #3-311, *Harassment and Discrimination Prevention*
- Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*
- College Policy #3-342, *Return to Work and Medical/Disability Accommodation*

### Appendices

- Appendix A: *Accessible Customer Service Standard*
- Appendix B: *Integrated Accessibility Standards*
- Appendix C: *Use of Service Animals*

### History of Amendments/Reviews:

Section(s)	Date	Comments
Regular review	January 2013	--
Regular review including minor additions to the Appendices	Dec 2015; January 2016	New format (as a result of separating procedure from policy); accessible format - updates to language; updated contacts; addition of Complaints Procedure

## **Appendix A to Operating Procedure 3-341 OP: Accessible Customer Service Standard**

As per ACSS 429/07, Fleming College will follow the principles of independence, dignity, integration and equality of opportunity in its provision of goods and services to members of the public with disabilities.

In such cases where a person with a disability requires the use of their own personal assistive devices in order to access the goods and services provided by the College, they are welcome to do so. Assistive devices include, but are not limited to the following examples: hearing aids, wheelchairs, electronic organizers, magnifying devices, electronic voice synthesizers.

If the use of a support person is required in order to access the goods and services provided by the College, persons with disabilities are welcome to bring such support persons with them to the College. A support person may be a trained professional, friend or family member – whomever the person with a disability deems appropriate.

Specifically, the College will:

- Use reasonable efforts to ensure that its policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity.
- Continue to make every reasonable accommodation for the individual needs of self-identified persons (students and employees) with documented disabilities as per the Ontario Human Rights Code.
- Ensure all members of the College community communicate with a person with a disability in a manner that takes into account his or her disability.
- Where admission fees are charged, provide notice ahead of time on what admission, if any, would be charged for a support person of a person with a disability.
- Train staff, volunteers, contractors and any other people who interact with the public or other third parties on the College's behalf on a number of topics as outlined in the customer service standard.
- Train staff, volunteers, contractors and any other people who are involved in developing College policies, practices and procedures on the provision of goods or services on a number of topics as outlined in the customer service standard.

### **Alternate Formats**

The College will communicate services and procedures to the public in an accessible manner, including their provision in alternative formats where requested. This includes posting this procedure, the Multiyear Accessibility Plan and Annual Report and associated documentation on the College's website.

An electronic form is available on the College's [Accessibility web page](#) to request a document in alternate format.

### **Service Animals**

The only exception to this practice is where such animals are prohibited by law.

### **Service Disruptions**

The College shall provide notice when facilities or services that people with disabilities rely on to access or use the College's goods or services are temporarily disrupted. The notice will include information about the reason for the disruption, length of disruption and a description of alternate facilities or services, if available.

## Providing Feedback

Feedback on this procedure may be provided by a person with a disability in the manner deemed most appropriate to them, such as in person, by telephone, in writing, or by fax or email.

Feedback may be provided directly to:

Nick Duley, CHRL  
Human Rights Officer  
Fleming College  
599 Brealey Drive  
Peterborough, ON  
K9J 7B1

Phone: (705) 749-5520 Ext. 1982

Fax: (705) 749-5522

Email: [nick.duley@flemingcollege.ca](mailto:nick.duley@flemingcollege.ca)

Feedback will be used to improve customer service. In addition, the author of the feedback will be provided with a response in the format in which the feedback was received. The feedback may outline actions deemed appropriate, if any.

## **Appendix B to Operating Procedure 3-341 OP: *Integrated Accessibility Standard***

### **General Requirements**

As per the IASR 2011, Fleming College will maintain the Accessibility For Persons With Disabilities Policy #3-341, governing how it will achieve accessibility and uphold its commitment to meeting the accessibility needs of persons with disabilities in a timely manner. Specifically, the College will:

- Implement this policy and procedure in all aspects of its operations.
- Make the policy and procedure documents publicly available, and in an accessible format upon request.

The College will establish a multi-year accessibility action plan outlining its strategy to prevent and remove barriers, and meet its requirements under the IASR. Specifically, the College will:

- Establish this plan in consultation with persons with disabilities or an advisory committee.
- Post this Accessibility Plan on its website and provide the plan in an accessible format upon request.
- Review and update its accessibility plan once every three to five years in consultation with persons with disabilities and the Accessibility Working Group.

Each year, the College will prepare an annual status report on the steps taken to implement the accessibility plan, post this status report on its website, and provide it in an accessible format, upon request.

Also, Fleming College will:

- Incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is impracticable to do so.
- Incorporate accessibility features when designing, procuring or acquiring self-service kiosks.
- Provide training for its employees and volunteers regarding the IASR and the Ontario Human Rights Code.

Training will be provided for those responsible for developing College policies, and for all others who provide goods, services or facilities on behalf of the College.

### **Accessible Information and Communication**

As per the IASR 2011, Fleming College is committed to ensuring information and communications are accessible. Specifically, the College will:

- Make feedback processes accessible to people with disabilities by providing, or arranging to provide, accessible formats and communications supports, upon request.
- Notify the public about the availability of these accessible formats.
- Provide or arrange to provide, upon request, accessible formats and communication supports in a timely manner and at no additional cost to a person with a disability. The College will take into account the person's accessibility needs when addressing the request.
- Provide public emergency procedures, plans, and public safety information in an accessible format or with appropriate communication supports as soon as practicable, upon request.
- Ensure that new web content conforms to the Web Content Accessibility Guidelines (WCAG) 2.0 at Level AA. Web content includes any information that resides on an extranet or intranet web site.
- Provide training materials and learning resources in accessible formats that take into account the needs of students with disabilities.
- Make student records and program information available in accessible formats, upon request, such as course requirements, descriptions, and availability.
- Provide accessibility awareness training related to accessible program or course delivery and instruction to faculty and instructors. The College will keep a record of the training provided,

including the dates on which the training was provided, and the number of individuals to whom it was provided.

- Ensure that libraries within the College will provide accessible or conversion-ready materials within its collections for individuals with disabilities, upon request. These may include print materials, digital or multimedia resources, or specific materials for a person with a disability.

### **Accessible Employment**

As per the IASR 2011, Fleming College is committed to ensuring its employment practices are accessible. Specifically, the College will:

- Notify all applicants that accommodations are available throughout the recruitment process and provide suitable accommodations upon request.
- Ensure that prospective employees requiring accommodation will be assessed against the essential duties of the job.
- Notify employees of the policies supporting employees with disabilities and provide information on these policies to new employees upon hire.
- Provide accessible formats and communications supports for job or workplace information upon request.
- Provide accessible workplace emergency response information to all employees and individualized emergency response plans for employees who self-identify as having a disability and who request such a plan, as soon as practicable.
- Provide information to persons designated to provide emergency assistance upon consent of the employee with the disability.
- Review individualized workplace emergency response information annually, or as required.
- Ensure there is a formal, documented return-to-work procedure.
- Ensure there are formal, written procedures for documented individual accommodation plans.
- Implement early and safe return-to-work strategies with care and commitment to support the employee's well-being and ability to handle the essential responsibilities of the position.
- Include accessibility considerations in performance management, career development and advancement, and redeployment processes.

### **Accessible Transportation**

As per the IASR 2011, the College is committed to continually ensuring its transportation services and contracted services are accessible to both employees and students. In order to ensure that employees and students with disabilities can participate in any curricular or extra-curricular activity organized by the College, accessible transportation will be provided to upon request.

### **Built Environment**

Fleming College is committed to incorporating barrier-free principles in the construction of new facilities and during the renovation of existing structures. The College will adhere to the principles of respect for dignity, individualized accommodation, integration and full participation as outlined under the Ontario Human Rights Code.

The College will incorporate barrier-free principles in all renovations to existing buildings taking into consideration the constraints of the existing structures. Where it is not possible to incorporate barrier-free design principles, comparable alternative accommodations will be arranged.

## Appendix C to Operating Procedure 3-341 OP: *Use of Service Animals*

### Introduction

Persons with disabilities who rely on the service of a guide dog or other service animal are welcome to bring such animals with them to the College in order to access the goods and services provided. The College shall ensure that people with disabilities who use a service animal or support person are permitted to bring that service animal or support person with them when accessing academic services and/or events at the College.

The only exception to this practice is where such animals are prohibited by law.

### Definitions

**Service Animal:** A service animal is any animal trained to do work or perform tasks for the benefit of a person with a disability. Service animals include guide dogs and signal dogs. Examples of the kinds of tasks performed by service animals include guiding persons with vision impairments, alerting individuals with hearing impairments to sounds or intruders or dangers, pulling a wheelchair, retrieving dropped items etc. Service animals are not pets. Service animals may or may not wear specialized equipment such as a harness, backpack or special collar. They may or may not be certified or licensed as service animals.

**Emotional Support or Therapy Animal:** An emotional support or therapy animal is one that provides its owner with companionship and emotional support. These animals are not service animals and do not have the same public access rights a service animal has.

**Partner:** The person with a disability who uses a service animal to provide assistance with daily tasks.

### Procedural Guidelines

#### 1. Creating an Inclusive Environment for Individuals Who Use Service Animals

Students using service animals should have access to any space on campus that other students have access to. Employees using service animals should have access to any space on campus that other employees have access to. Members of the public/visitors using service animals should have access to any space on campus that other members of the public/visitors have access to.

Remember that service animals are working and as such should be left alone to do their work. This includes:

- maintain a respectful distance from the partner and the animal;
- do not touch the animal without asking permission from its partner;
- do not feed the animal;

Interact with the person using the service animal the way you would anyone else. Do not ignore or isolate them from activities and interactions that others are engaged in.

#### 2. Care and Management of Service Animals

The partner is responsible for all management and care of the service animal, in accordance with the following:

- Service animals must be accompanied by their partners at all times. The exception to this is when the partner is in a location that prohibits animals. At such times, the animal must be crated nearby.

- Service animals must be under the control of its partner at all times and compliant with any commands made by them.
- The service animal must be on a harness or leash or crated at all times. If the service animal must be left alone, the partner must secure the animal in an appropriately-sized, well-ventilated crate.
- Any aggressive behaviour (e.g., barking, growling, biting) exhibited by a service animal will not be tolerated.
- The service animal should not engage in disruptive behaviours (e.g., grooming, interacting with others, interfering with the personal items of others) and should not block aisles, passageways or emergency exits.
- The service animal must be housetrained.
- The partner must ensure the service animal's needs are met (food, water, grooming, exercise breaks) and is responsible for cleaning up waste left by the animal immediately.

### **3. Program-Specific Procedures**

Certain programs (e.g. Culinary, Nursing) may require additional procedures to meet the health and safety requirements for the operation of their learning spaces, such as labs and simulation spaces.

### **4. Conflicting/Competing Disability Accommodations**

If a student has a medical condition that is impacted by the presence of a service animal, they should meet with a counsellor to discuss their accommodation needs. They will be required to provide their counsellor with documentation completed by their healthcare professional which describes their accommodation needs. The counsellor will facilitate an appropriate solution in consultation with the student's Dean and the Human Rights Officer.

If an employee has a medical condition that is impacted by the presence of a service animal, they should meet with their supervisor to discuss their accommodation needs. They will be required to provide their supervisor with documentation completed by their healthcare professional which describes their accommodation needs. The supervisor will facilitate an appropriate solution in consultation with the Human Rights Officer.

### **5. Verifying Service Animals as Appropriate Accommodations**

In some cases the person using a service animal will have a disability that makes it obvious that they need the service animal, for example a visually impaired person with a guide dog. In cases such as these, it may not be appropriate to ask the person to verify their need for a service animal.

In other cases the disability may be known but the person's need for accommodation or the manner in which the service animal is meeting that need may not be apparent. In these cases, the individual should only be asked for information that is necessary to evaluate the disability-related need for the accommodation. For example, if the person has a clear mobility impairment and they want to have an assistance dog, it may be appropriate to ask for supporting documentation or demonstration of the disability related need for the animal. However, if your role at the College is not to determine disability accommodations, you should refer the person to a counsellor (for students) or their supervisor (for employees) or the Human Rights Officer (for campus visitors).

When the College requires written verification of disability status or disability related need, such documentation must be written by a qualified medical professional or other qualified third party who, in their professional capacity has knowledge about the person's disability and the need for reasonable accommodation.

When requested, documentation for students or employees with a disability who use a service animal should include the following:

- name and credentials of professional or evaluator;
- description of the current relevant functional limitations;
- specific tasks the service animal will perform to meet the accommodation needs of the individual or assist with the functional limitations.

## **6. Use of Therapy or Emotional Support Animals**

As mentioned in the definitions, emotional support animals do not have the same legislated public access rights that service animals have. However, that does not preclude the possibility that an emotional support animal may in some circumstances be an appropriate option for accommodation for a person with a disability.

If a student would like to request the accommodation of a therapy animal, they must discuss their accommodation needs with their counsellor and provide disability-related documentation from a qualified healthcare professional. If an employee would like to request the accommodation of a therapy animal, they must discuss their accommodation needs according to the College's Return to Work and Medical/Disability Accommodation procedures available at <https://department.flemingcollege.ca/hr/working-at-fleming/administrative-hr-practices-and-protocols/>

## **7. Dispute Resolution Process**

In the event of a disagreement about an accommodation, service quality, or an animal exclusion, a student should confer with their counsellor. If the matter is not resolved, the student may consult with the Director of Counselling & Accessible Education Services. An employee with a similar disagreement should follow the dispute resolution protocols in the Return To Work and Medical / Disability Accommodation procedures or consult with the Human Rights Officer. For matters not resolved at that level, the employee may choose to pursue a complaint under the College's Harassment and Discrimination complaint procedures available at <https://department.flemingcollege.ca/hr/working-at-fleming/policies-and-procedures/>

A visitor with a disagreement should consult with the Human Rights Officer. For matters not resolved at that level, the visitor may choose to pursue a complaint under the College's Harassment and Discrimination complaint procedures available at <https://department.flemingcollege.ca/hr/working-at-fleming/policies-and-procedures/>