

# Students with Disabilities — Post-secondary Education

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# Duty to Accommodate

- Colleges in Ontario
- Accommodation obligations
  - *Human Rights Code* of Ontario
  - *Accessibility for Ontarians with Disabilities Act, 2005* (AODA)

# Obstacles faced by education providers

- Budgetary restrictions
- Physical inaccessibility
- Accommodation process: confidentiality, delays
- Lack of individualization
- Negative attitudes and stereotypes
- Ineffective dispute resolution mechanism

# Human Rights Code

# Human Rights Code

- What is the duty to accommodate?
  - Elimination of barriers to accessibility of services
  - Enabling a person with functional limitations to productively perform and participate
  
- What is undue hardship?
  - Cost
  - External funding sources
  - Health and safety

# Jurisprudence

- *Fisher v York University*, 2011 HRTO 1229
- *Worthington v Algonquin College*, 2012 HRTO 715
- *Kelly v University of British Columbia*, 2013 BCHRT 302  
(*aff'd* by BC Court of Appeal in 2016 BCCA 271)

# Some accommodations provided to students at post-secondary level

- Accommodations to improve the physical accessibility of post-secondary facilities, including classrooms, resource centres, and student housing;
- Provision of, or training on adaptive technologies;
- Support services, such as assessment or advice on learning strategies;
- In-class support such as, for example, notetakers; and
- Modifications to evaluation methodologies, such as extended test-taking time, or alternative examination formats.

# Summary

- Multi-party process
- Two types of obligations:
  - Procedural
  - Substantive
- Provide timely accommodation
- Must be individualized
- Must be reasonable, not perfect





# Accessibility for Ontarians with Disabilities

# AODA

- Goal: for Ontario to be accessible by 2025
- Removing and preventing barriers
- Developing and enforcing province-wide accessibility standards

# The Code and AODA – Working Together

- Don't create barriers
- Design inclusively
- Favour integration over segregation
- Equal outcome sometimes require different treatment
- Involve the people who need the accommodation in exploring solutions
- Spread out accessibility costs

# Questions?

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