

POLICY: Student Accessibility Policy		POLICY NUMBER: AM-008-A1
		PREVIOUS/REPLACES: Student Manual
APPROVED BY: Executive Committee	EFFECTIVE DATE AS OF: November 1, 2021	PRIOR VERSIONS: August 2020

1. Policy Statement

Herzing College is committed to creating and maintaining an accessible, inclusive, and non-discriminatory learning environment for all members of the Herzing College community. An inclusive environment values diversity and difference and is based on mutual respect, dignity for all, independence, integration, and equal opportunity to work and learn at Herzing College.

Herzing College strives for excellence in serving all customers including persons disabled by barriers. Whether a person’s disability is apparent or not, all individuals shall be treated with courtesy and have their need for accommodation respected.

The purpose of this policy is to:

- Establish Herzing College’s commitment to fostering an accessible and inclusive learning and working environment.
- To ensure that Herzing College meets all legal obligations, particularly the human rights legislation in each province such as the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Human Rights Code.
- To outline and define Herzing College’s commitment to providing a barrier-free environment for all students to the greatest extent possible.
- To provide adequate information and awareness to foster a supportive and inclusive teaching, learning environment.

Herzing College shall provide reasonable accommodation to meet the needs of its students with disabilities in a timely and pro-active manner providing the accommodation does not:

- Create undue hardship.
- Alter the essential requirements of a program or course.
- Threaten the integrity of contracts of employment by significantly altering essential job requirements or responsibilities.
- Position Herzing College in violation of any legislative requirement.

- Result in undue hardship to Herzing College.

Any policies of Herzing College that do not respect and promote the principles of dignity, independence, integration, and equal opportunity for persons disabled by barriers will be modified or removed.

2. Scope

This policy applies to:

- All Herzing College employees including full-time, part-time, casual, and contract.
- All Herzing College students including full-time and part-time.
- All Herzing College Governing Board members.
- Volunteers and visitors to Herzing College.
- All other persons who provide goods, services, or facilities on behalf of Herzing College.

3. Procedure

1. Herzing College will make every reasonable effort to ensure that its policies and practices are consistent with the principles of mutual respect, dignity, independence, integration, and equal opportunity by:
 - a. Ensuring that all customers receive the same value and quality of service
 - b. Using alternative methods, when possible, to ensure that students with disabilities have access to the same goods or services, in the same place, and in a similar manner.
 - c. Communicating in a manner that considers the student's disability.

2. Maintain Barrier-Free Access

- a. Herzing College is committed to reviewing and identifying barriers in an effort to provide an environment that is as accessible as possible.

3. Notice of Temporary Disruption of Services

- a. In the event of a planned or unexpected disruption of services, Herzing College will provide notice about the disruption, the reason for the disruption, its anticipated length and a description of alternative facilities or services, if available. Notices may be displayed on Herzing College premises or the website or by other means that are reasonable in the circumstances. Herzing College may not be able to provide advance notice during an emergency disruption.

4. Communications

- a. Herzing College is committed to communication with persons disabled by barriers in a timely manner that considers the person's disability and makes reasonable efforts to have the person with the disability understand both the content and intent of its communications. All Herzing College employees, students, and Governing Board members are expected to be mindful of the way in which they communicate and use respectful terms.
- b. Herzing College will make publicly known the availability of accessible formats and communication supports. The College will consider the person's accessibility needs when customizing individual requests.
- c. Herzing College will provide or arrange for the provision of accessible format and communication supports for persons disabled by barriers upon request unless the product is deemed unconvertible. In this case, the person shall be provided with an explanation as to why the information or communication was unconvertible and a summary of the unconvertible information or communications.
- d. Herzing College is proactively identifying and removing barriers to ensure information and communication at the College is accessible to all stakeholders.

5. Assistive Devices

- a. Herzing College is committed to serving persons disabled by barriers who use assistive devices. Persons disabled by barriers may use their own assistive devices as required when accessing goods or services provided at Herzing College.
- b. In cases where the assistive device presents a safety concern or where accessibility might be an issue, other reasonable measures will be used to ensure access to the service required at Herzing College. For example, an oxygen tank cannot be near an open flame. In such a case, the accommodation may involve ensuring the student is in a location that would be considered safe for both the student and Herzing College.

6. Support Persons

- a. Herzing College welcomes persons disabled by barriers and their accompanying support person. Herzing College may require a person disabled by barriers to be accompanied by a support person when on Herzing College premises, but only if a support person is necessary to protect the security, health or safety of the person disabled by barriers. Given the nature of the information that may be discussed in the presence of a support person, Herzing College may require that the person disabled by barriers give his or her consent to Herzing College to discuss confidential information in the presence of the support person. If the person disabled by barriers has concerns about discussing confidential information in the presence of the support person, he or she may ask the support person to leave during any discussion.

7. Service Animals

- a. Persons disabled by barriers may bring their service animal on Herzing College premises and buildings.
- b. If it is not clear that the animal is a service animal, Herzing College staff may ask the following questions in a respectful and understanding manner to clarify the service animal's purpose:
 - i. Is the dog or other animal assisting the person with a disability?
 - ii. What assistance has the dog or other animal been trained to provide related to the disability?
- c. The person disabled by barriers is responsible for the care and control of the service animal at all times.
- d. A service animal may be excluded when any one of the following conditions exists:
 - i. The service animal is disruptive, and the animal's owner is not able to effectively control it.
 - ii. The service animal's presence, behaviour, or actions pose an unreasonable or direct threat to property or the health or safety of others.
 - iii. When another law specifically states that the animal must be excluded.
- e. In the event that a service animal's access is not permitted, Herzing College will make all reasonable efforts to accommodate the individual and will suggest other alternatives and aid.

4. Administration

The Campus President will oversee the administration and enforcement of this policy.

5. Review

This policy will be reviewed as required by the Executive Committee in 2023.

6. Reference

- Alberta Human Rights Act: <https://www.qp.alberta.ca/documents/Acts/A25P5.pdf>
- British Columbia Human Rights Code: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01
- Accessible British Columbia Act: <https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/accessibility/legislation>
- Manitoba Human Rights Code: <https://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>
- Accessibility for Manitobans Act: <https://accessibilitymb.ca/>
- New Brunswick Human Rights Act: <https://www2.gnb.ca/content/gnb/en/departments/nbhrc/human-rights-act/act-explained.html>

- Newfoundland and Labrador Human Rights Act, 2010: <https://www.assembly.nl.ca/Legislation/sr/statutes/h13-1.htm>
- Newfoundland Accessibility Policies: <https://www.gov.nl.ca/cssd/disabilities/inclusion-accessibility/>
- Northwest Territories Human Rights Act: <https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf>
- Northwest Territories Accessibility: <https://www.gov.nt.ca/accessibility>
- Nova Scotia Human Rights Act: <https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>
- Nova Scotia Accessibility Act: <https://nslegislature.ca/sites/default/files/legc/statutes/accessibility.pdf>
- Nunavut Consolidation of Human Rights Act: https://www.nhrt.ca/files/NHR_Act_Eng.pdf
- Ontario Human Rights Code: <https://www.ontario.ca/laws/statute/90h19>
- Accessibility for Ontarians with Disabilities Act (AODA): <https://www.ontario.ca/laws/statute/05a11>
- Prince Edward Island Human Rights Act: <https://www.princeedwardisland.ca/sites/default/files/legislation/H-12%20-Human%20Rights%20Act.pdf>
- Quebec Charter of Human Rights and Freedoms: <http://www.legisquebec.gouv.qc.ca/en/document/cs/c-12>
- Quebec Act to Secure Handicapped Persons in the Exercise of Their Rights with a View to Achieving Social, School and Workplace Integration: <http://www.legisquebec.gouv.qc.ca/en/document/cs/E-20.1>
- Saskatchewan Human Rights Code, 2018: <https://saskatchewanhumanrights.ca/wp-content/uploads/2020/03/Code2018.pdf>
- Yukon Territories Human Rights Act: <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0116/2002-0116.pdf>

7. Definitions

Accommodation – Academic accommodations refer to the adjustments made to the delivery, assessment, and method of student participation in class which ensure there is no discriminatory effect on the student’s ability to study and perform. These accommodations are meant to mitigate barriers so students can achieve the required learning outcome as per the program standards.

Reasonable Accommodation – A request for adjustments to the learning environments, or to the delivery and assessment methods used in class, which do not impose undue hardship on the College in the form of significant changes to the fundamental nature of the learning outcomes and/or academic standards of a program. Reasonable accommodation cannot cause undue hardship for safety, financial or other reasons.

Undue Hardship – An accommodation request requiring more than minimal hardship and must be based on actual evidence of hardship and not merely assumptions or prejudices. Various factors are considered when assessing undue hardship including financial implications, health and safety risks and legitimate operational requirements. In addition, the Human Rights Code considers the nature, size and scope of a business or organization directly to what is reasonable accommodation in the circumstances. Herzing College, being a private educational institution, is limited in cost expenditures for accommodations.

Accessibility Need – This is defined as the result of a functional limitation caused by a physical or mental impairment that restricts the ability of a person to perform the daily activities necessary to participate in studies at a post-secondary level. This can be the result of a permanent, long-term, recurring, or temporary physical, cognitive, sensory, mental health or learning impairment.

Self-identification – Students must identify their accessibility support needs to the Admissions Director or the Academic Dean in order to receive accommodations. Self-identification is confidential and the protection and release of personal information is subject to student privacy protection.

Disability: The Canadian Human Rights Act defines a disability as: “disability means any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug;”¹

Provincial human rights codes often expand on that definition. For example, the Ontario Human Rights Code defines “disability” as:

- 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
- 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 (“handicap”).

¹ <https://laws-lois.justice.gc.ca/eng/acts/h-6/fulltext.html>