COLLOQUIUM

The Accessibility Issue

What Does the Law Say?

AODA, or the Accessibility for Ontarians with Disabilities Act, is legislation enacted in 2005 with the goal of making Ontario fully accessible to people with disabilities by 2025. To accomplish this goal, standards have been set in five areas:

- customer service
- transportation
- employment
- information & communication
- built environment

Transportation, Employment, and Information & Communication have been combined under the Integrated Access Standard. It is really the Information & Communications portion of the Integrated Access Standard that will have an impact on faculty work most directly.

What Are Faculty Required to do Under AODA?

- Complete mandatory training modules in Accessible Customer Service, Universal Design for Learning, and Integrated Accessibility Standards Regulation. These modules are available online.

- If you need an individualized workplace emergency plan, let your supervisor know.

- If you cancel a class (called a "service disruption" in AODA) follow the college procedures

- Provide educational or training resources or materials in an accessible format upon request, including information on program requirements, availability and descriptions—the compliance deadline for this was January 2013. You can use the Accessibility Facilitator (see article on page 3) once he or she is hired, for questions you have about accessibility.

- If you are involved in an activity that will require transportation arrangements for students, be sure to include arrangements for accessible vehicles or equivalent services upon request.

- If you produce educational or training textbooks or supplementary learning resources, provide these materials in an accessible format upon request; the compliance deadline for this is January 1, 2015.

Additionally, you should become familiar with the principles and considerations of creating accessible documents; great resources can be found on the Council of Ontario Universities website. Review the course materials you use and consider replacing inaccessible ones with ones that have accessible formats available. Consider removing formats that are not accessible (e.g. handouts / old copies, Prezi)

Thanks to Nick Duley of HR for compiling this list.

Help is on the way:
The Accessibility Facilitator

The college is in the process of hiring an Accessibility Facilitator. This person will be a key resource for faculty working to make their educational resources more accessible. The duties of the position include the following:

- Researching and suggesting improvements to practices, procedures, and training as they relate to AODA legislation.
- Acting as an internal accessibility resource to the college community.
- Providing ongoing training and education to faculty, support and administrators regarding AODA compliance.
- Coordinating, developing, and implementing appropriate training related to AODA, with assistance from CLT.
- Identifying issues, needs, resources, and opportunities for compliance with AODA.
- Coordinating and assisting departments and individuals with the development of their resources, documentation and processes in order to comply with AODA.

More than likely this person will be in place before Common Block Development, so you will have support when you have time focused on improving the accessibility of your course resources.

Help Right Now

It's not clear why exactly, but the Ontario universities seem much further ahead of the Ontario colleges when it comes to Universal Design for Learning (UDL). The Council of Ontario Universities has a fantastic collection of resources for faculty who want to make their courses more accessible. The Colleges Ontario website has no resources of information on the AODA or accessibility.

The CLT website has links to the National Centre on Universal Design for Learning which has many great resources on UDL. As this is an American site it has no connection to AODA. The COU website is based on work done by the University of Guelph which has been working on Universal Instructional Design (very similar to UDL) since the 1990s.

Accessibility vs. Accommodation

Very often, I hear these two terms being used interchangeable, and so this article focuses on how the two are very different concepts. The COU website has a great article entitled "Introduction to Accessible Education" that you may want to check out for more on the differences between accessibility and accommodation.

AODA, the accessibility standards, and AODA compliance all relate to accessibility, not accommodations. When we talk about UDL and accessible education or educational resources, we are focused on access, not accommodation.

By *accessible education*, we mean designing our curricula in such a way that they meet the needs of the broadest possible group of diverse learners. In this sense, *diverse learners* means disabled and non-disabled as well as student characteristics such as cultural background, first language, family status, age and learning style preferences. The design of the learning materials and activities, to the greatest extent possible, removes any barriers students might face when learning the content.

Accessible education reduces the need for disability accommodations. For example, the most commonly accessed accommodation by students with disabilities at Fleming is extra time (1.5 x) for tests. This accommodation would be completely eliminated if

- all tests were untimed or given unlimited time (this is NOT a practical solution due to classroom scheduling logistics)
- tests were designed to take about half the time available. So, if you have a 50 minute test period, designing a test that takes most students about 30 minutes to complete would allow those students who need time-and-a-half (i.e., 45 minutes) to complete within the normal test period, thus eliminating the need for the extra time for tests accommodation.

Accommodations are adjustments we make post-hoc for an individual student with a disability to remove a barrier they face in accessing one or more parts of a course. This is a long-standing requirement that stems from the Ontario Human Rights Code, not the AODA.

UDL, or accessible educational design, puts the responsibility for access and inclusive design in the hands of the professor who designs the course. Accommodation puts the responsibility for access in the hands of disability services, specifically the counsellor who works with the student with a disability, to find ways around non-inclusive curriculum design.

UDL reduces, but does not eliminate, the need for accommodations. There will be cases, no matter how much focus and attention we put on designing inclusive curricula, where a student with a disability encounters a barrier requiring accommodation. The number of students with disabilities at Fleming has increased by 94% over the past five years. In real numbers we moved from 442 students in 2008/09 to 856 in 2012/13. We can't meet our requirements under human rights and AODA legislation by adding to LSS staff; we need to focus on designing inclusive curriculum that reduces the need for accommodations.

CBD & AODA

You may have attended the Week 8 Academic Planning Event for CBD held February 26. It included an opportunity to talk about the challenges and outcomes of AODA (as well as several other college priorities). On February 28, Jennifer Ramsdale emailed us the "Summary of Faculty Input" that was gathered from the Google Docs we worked on.

To the best of my ability, I will address each of the challenges and outcomes included in the section "AODA and the Adoption of UDL".

Challenges

"Need time for faculty to revise teaching materials"
CBD is that time. However, you can't do everything at once so it is best if you set some goals and priorities. Perhaps this year you will focus on designing accessible PowerPoints; or maybe you use a lot of YouTube videos and want to spend time finding accessible (e.g., closed-captioned) videos or text equivalents.

"Need support during curriculum development"
This is pretty broad. We will all need different types of support. Here is what's available:
- online resources
- accessibility Facilitator
- CLT faculty
- colleagues – sometimes your officemate knows more than you. One of the advantages of CBD is easier access to other professors.

"Need support staff to convert documents or videos"
This point has come up in discussions of e-learning as well. It seems like an unproductive use of human resources to have highly skilled, highly paid professors spending hours on transcribing videos or converting lectures to video. It's important work that needs to be done, but should it be done by professors? The answer right now is, yes. The Accessibility Facilitator will be able to help you decide what methods to use to make your teaching resources more accessible and will do some for you to show you how to do it, but it will be your responsibility to then convert the rest. That is why it is important for you to prioritize the accessibility projects you will do this year – you won't be able to do everything.

"Concern for the impact on learning outcomes"
This would have to be addressed on a case-by-case basis but one principle we have always adhered to is that students with disabilities, like all other students, must meet the learning outcomes of their course or program. In most cases, making your educational resources more accessible shouldn't impact your learning outcomes. However, if you encounter a situation where you feel it does, contact one of the counsellors or Susan Weaver (coordinator of disability services).

CBD & AODA

"Concern for physical/safety skills and accommodations"
There shouldn't be an impact on safety but if this does arise, contact a counsellor or Susan Weaver to problem solve. There are a couple of general principles that are relevant here. First, accessibility is not the same thing as accommodations (see article on page 4). Second, we are required to provide accommodations to the point of undue hardship. Health and safety may fall under undue hardship and this is why it is important to discuss this with a counsellor or Susan.

"Concern regarding how students and needs are identified"
Students self-identify to a counsellor, requesting disability accommodations. They must have a documented disability (from a health care professional qualified to diagnose their particular disability such as a psychologist for learning disabilities, ADHD and mental health disabilities; an audiologist for hearing-related disabilities; a physician for medical disabilities, etc). When the counsellor meets with the student to set up their accommodations for the semester, alternative texts may be an appropriate accommodation. The counsellor will book the student with an assistive technologist (Joanne Mastrella and Kim Gunn). If the student is having trouble accessing any of your course resources they may approach you directly or through their assistive technologist or counsellor.

"Concern regarding LSS and counsellor resources, role and interaction"
I think this was covered in the previous bullet.

"Concern over loss of or limitations being placed on learning resources"
If there is a compelling reason for using a resource that is not accessible, there are solutions better than stop using it. You could find a comparable resource in another format (e.g., an article covering the same material as a video). You could produce an alternative format (e.g., transcript of a video that is not close captioned).

"Perceived conflict between e-learning and AODA"
There is no conflict between these two. When we create e-learning curriculum we should be designing it with UDL principles in mind. The resources we use in a blended or online course should be accessible or available in multiple formats.

"Increasing number of students with mental health issues (e.g., anxiety)"
Students with mental health disabilities vary in their needs but accessible design of educational resources typically benefits students with mental health disabilities. For example, if a student has a flare-up of symptoms requiring them to miss several days of classes, if your lecture materials and other resources are available on D2L, they can get caught up independently.

"Knowledge: How far do we go to accommodate?"
The simple answer to this question is to the point of undue hardship. If you feel you are being asked to go too far, you should discuss your concerns with the student's counsellor.

CBD & AODA

"Physical space limitations"
I wasn't part of discussions on this concern, so I am having trouble connecting it to UDL, but in general, if you have an accessibility issue with your classroom, you need to resolve it with Sally Ellis (room changes) or your dean or chair. If this is about something else, please email me audrey.healy@flemingcollege.ca

Outcomes

"AODA/UDL statement in course outline"
This is a great idea, and I believe it should be the same statement in all course outlines. The Council of Ontario Universities has a good one (albeit a bit wordy) that we may want to "Fleming-ize":

> *The University provides academic accommodations for students with disabilities in accordance with the Ontario Human Rights Code. This occurs through a collaborative process that acknowledges a collective obligation to develop an accessible learning environment that both meets the needs of students and preserves the essential academic requirements of the University's courses and programs."*

"Clear and realistic limitations (essential requirements) on acceptance into programs"
Admission requirements are set by the programs and schools, so if there is a discrepancy between the admission requirements for your program and the skills actually needed for success in your program, this is a discussion for you and your dean. Students with disabilities must meet the same admissions requirements as all other students.

"PD for clarifying misconceptions, ongoing, also for students, levelled to what can be done in the short, middle and long term, checklist of training"
I would like to offer a PD session in CBD, so stay tuned. In the short-term, if you have any questions about a particular student, speak with his or her counsellor.

Two types of checklists are available. The first is AODA mandatory training requirements. Just go to Learning & Development in evolve. It's not really a checklist, but you are required to complete training in 3 modules:
"Accessibility for Academics" (module on accessible customer service)
"*Latest* AODA—IAST Training"
"UDL in Teaching and Learning"

The second includes checklists for creating accessible educational resources, which are available online at COU and CLT .

"Identifying demographics/data/needs of learners in specific programs and courses"
I am not sure how this data will be gathered, so I can't comment on that concern.

LOTF—A Bit of History

Many of us learn new concepts better by placing them in context, so we wanted to include a little history of UDL in Ontario.

You may, like me, remember the Mike Harris government with less than warm thoughts. However, something profoundly important for students with learning disabilities did come out of that time. Ernie Eves was the Finance Minister under Mike Harris. Eves had a son, Justin who had severe learning disabilities. In fact they had such a profound impact on his learning that Eves felt no schools in Ontario could meet his needs, and so Justin attended college in the U.S. As a politician with some influence, Eves decided that Ontario should be a place where students with learning disabilities could attend college or university and get their needs met.

So, he took $30 million and created the Learning Opportunities Task Force (LOTF). LOTF projects were set up at a few colleges and universities across the province with the broad goal of providing empirical data which demonstrated what supports were actually effective in assisting post-secondary students with learning disabilities.

One of the findings from the LOTF research was that students with learning disabilities benefit from access to learning strategies instruction and from assistive technology. As a result of this finding, every college and university since 2002 has received targeted funding from the Ministry of Training Colleges and Universities (MTCU) to provide these services.

Another finding was that universal instructional design (UID) was an important framework for structuring our educational programs in order that the needs of students with learning disabilities and many others who face barriers in post-secondary education can be met proactively by design rather than retroactively by accommodations. The University of Guelph was one of the universities focused on UID research as part of the LOTF. Their website still has fantastic resources.

When given a choice, I always use the U. of G. resources because they were designed in Ontario for Ontario students and paid for by our tax dollars. This means we are free to copy them freely so long as we site their source and LOTF funding.

Duty to Accommodate: What you need to know

The Ontario Human Rights Code prohibits the discrimination of anyone on the basis of a handicap.

Principles of Accommodation

1. *Respect for Dignity*
2. *Inclusion and Full Participation*, which includes:

a) Barrier-free, inclusive design
When we develop new academic programs, or courses, or build new spaces on our campuses, we should always be doing so from a perspective of inclusion. Universal Design for Learning (UDL) is a framework to help faculty ask the right questions when designing curriculum to help them create inclusive curriculum.

b) Removal of existing barriers
Because we are not starting from scratch, we need to examine our physical spaces, our policies, programs and practices to identify any barriers and find ways to remove them.

c) Appropriate accommodations
Even after we have designed inclusively and removed barriers, we can't design everything to be 100% inclusive and barrier-free. Appropriate accommodations are ones which provide the student with the opportunity to successfully meet the essential requirements (learning outcomes) of the course.

3. *Individualized Accommodation*; each case is unique and students' needs must be assessed individually.

The Team Approach

At Fleming we use a team approach in our process to provide accommodations. At the minimum this includes the student and counsellor, who decide what accommodations are appropriate and Learning Support Services staff, who deliver those accommodations. If a case is more complicated or accommodations conflict with academic standards, other relevant stakeholders are brought into the team. This could include the professor, co-ordinator, dean and an HR Consultant or Human Rights Officer. Even though our students are adults, it is not uncommon for parents to be included at the request of the student.

Undue Hardship

The college is required to provide accommodations to the point of undue hardship. The factors which may be considered in determining undue hardship include the following:

1. Cost
2. Outside sources of funding, if any
3. Health and safety requirements, if any

Duty to Accommodate: What you need to know

Cost is not an easy one to prove. We cannot simply say it would cost too much. We have to do a thorough financial investigation to prove that the cost is so high it would bankrupt us or seriously alter our ability to operate. In doing so we have to consider the college budget (as well as any government or other funding that may be available to off-set the cost), not a department or school's budget.

The burden of proof rests with the college. It is our responsibility to prove undue hardship; it is not the student's responsibility to prove that there is no undue hardship.

Academic Standards

The Ontario Human Rights Code prescribes the three factors that may be considered in determining undue hardship, and academic standards are not included. In a report to the colleges, the law firm of Hicks, Morley gives us some guidance based on extrapolations from similar cases. They concluded that in determining undue hardship it is appropriate for colleges to consider the impact an accommodation would have on "reasonably necessary academic standards".

In Bonner v O.H.I.P, 1992, the Board of Inquiry concluded that an employer does not have to lower its standards to the level that a disabled employee can attain but rather the employer's duty is to accommodate the employee to meet the employer's standards. If we extend this to the college we can see that accommodating students with disabilities should not mean lowering standards.

What must be kept in mind is the phrase "reasonably necessary academic standards". Not all course requirements are equally necessary. The test we typically use to determine if a requirement is necessary is to look to the learning outcomes. We consider these to be the essential requirements of a course and we do not ask teachers to waive them.

A note of caution must be made here. The Supreme Court of Canada has ruled in two cases that the notion of accommodation must be built into the standards so we go back to the concept of inclusive design. Learning outcomes must be carefully designed so as not to exclude students with disabilities.

Everyone is responsible for accommodating students with disabilities but the Hicks, Morley report recommends that there be a central process for requesting accommodations. At Fleming that process involves the student meeting with a counsellor who will review the student's documentation and identify appropriate accommodations. In cases where there may be some conflict with learning outcomes and accommodations, the counsellor and/or student consults with the appropriate professors. It is generally not helpful in the long run for students to circumvent their counsellor and negotiate accommodations directly with the faculty. In some cases, doing so results in inconsistent accommodations, inefficiencies or unrealistic expectations.