Education, Accommodation and the Ontario Human Rights Code

The Ontario Human Rights Code guarantees the right to equal treatment in education, without discrimination on the ground of disability. Education providers have a duty to accommodate students with disabilities up to the point of undue hardship. The term undue hardship refers to the limit of an organization's capacity to accommodate without experiencing an unreasonable amount of difficulty. An organization is not expected to provide accommodations if doing so would bring about unreasonable difficulties based on health, safety, and/or financial considerations. There is no precise legal definition of undue hardship, nor is there a standard formula for determining undue hardship. Each situation is unique and should be evaluated individually. Undue hardship may occur when an organization cannot sustain the economic or efficiency cost of the accommodation.

The accommodation process is a shared responsibility between the education provider and the student. Each party has a responsibility to cooperatively engage in the accommodation process, share information, and participate in the development of potential accommodation solutions. In this regard, the education provider and the student have specific responsibilities.

Education Providers have a responsibility to:
- interact with students in a non-discriminatory manner;
- put in place appropriate effective and dignified accommodation process;
- engage in meaningful dialogue about accommodation, and seek expert assistance as needed;
- engage in the accommodation process;
- maintain student confidentiality;
- when designing or developing new or revised facilities, services, policies, process, courses or curricula, faculty and staff must ensure that these are designed inclusively, with the needs of person with disabilities in mind; and
- provide clear and reasonable processes and guidelines for seeking accommodation and these should be clearly communicated to all students. (see Accessible Learning Services)

Students with disabilities have a responsibility to:
- register with Accessible Learning Services if they wish to receive academic accommodations;
- advise the education provider of the need for accommodation;

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- participate in discussion regarding possible accommodation solutions;
- meet curriculum standards, once the accommodation is provided; and
- work with the accommodation provider on an ongoing basis to manage the accommodation process.

It is important to remember that Faculty members have a right to know about the accommodation needs of their students, but they cannot request that the student disclose the nature of the disability itself. The accommodation process, as well as the outcome, should be respectful of the dignity of the person affected and should take into account the importance of integration and full participation. Any planning for accessibility should recognize that persons with disabilities are important stakeholders in the process. Creating and maintaining an accessible and inclusive environment promotes optimal learning conditions for all students. If you are a student with a disability requiring an accommodation, or a faculty member who requires further information about a student's accommodation needs, please contact:

Accessible Learning Services:

North Campus, Guelph-Humber, Carrier Dr. and Orangeville Accessible Learning Services 2nd Floor LRC, North Campus 205 Humber College Blvd. Toronto, ON M9W 5L7 416-675-5090 accessible-learning@humber.ca	**Lakeshore Campus** Student Welcome and Resource Centre 2nd Floor 2 Colonel Samuel Smith Drive Etobicoke, ON M8V4B6 416-675-6622 ext. 3331 accessible-learning@humber.ca

Source:

The information in this document was adapted from:

Accessible Learning Services

A Guide for Managing the Return to Work Process

Ontario Human Rights Commission, The opportunity to succeed: Achieving barrier-free education for students with disabilities

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