

# **The Ontarians with Disabilities Act, 2001**

## **Guidelines for the University Sector**

Prepared by the COU Working Group on the Ontarians with Disabilities Act  
October 2002

### **1. Introduction**

People with disabilities represent a significant and growing part of our population. According to Statistics Canada, about 1.9 million Ontarians have disabilities - about 16% of the population. Disability tends to increase with age and as such, it is estimated that 20% of the population will have disabilities within the next two decades. Enhancing the ability of people with disabilities to live independently and contribute to the community will not only have positive effects on the future prosperity of Ontario but will contribute toward the overall quality of life of persons with disabilities and their communities.

The *Ontarians with Disabilities Act, 2001 (ODA)* received Royal Assent on December 14, 2001. The purpose of the *ODA* is to improve opportunities for people with disabilities through identification, removal and prevention of barriers to participation in the life of the province. The full text of the *ODA* is available at:  
[www.gov.on.ca/citizenship/accessibility/english/act2001.htm](http://www.gov.on.ca/citizenship/accessibility/english/act2001.htm)

Improving accessibility is a shared responsibility. The *ODA* requires that the provincial and municipal governments and key broader public sector organizations review their policies, programs and services through the development of annual accessibility plans.

As providers of higher education, universities play a crucial role in ensuring that persons with disabilities have access to education and the opportunities that it provides. All Ontario universities are currently demonstrating leadership in working with people with disabilities through the many activities underway on their campuses, including:

- Support services such as those provided through Special Needs Offices/Offices for Students with Disabilities;
- Making course and resource information accessible in alternative formats; and
- Ensuring that buildings are accessible to all persons.

The *ODA* builds on relationships and practices that currently exist by requiring universities to:

- Prepare annual accessibility plans; and
- Consult with students, faculty and staff with disabilities in the preparation of the plans.

The purpose of the plans is to help universities think strategically about barrier removal and prevention. Some may choose to tie their plans into the annual academic, budget and space planning process.

## **2. University Obligations**

The *ODA* mandates the provincial government, the broader public sector (for example, municipal governments, school boards, hospitals, colleges and universities and public transportation providers) to develop annual accessibility plans and make them public.

Accessibility plans are intended to address existing barriers to people with disabilities and to prevent new barriers from being established. The plans can be as short as one page, or longer, depending on the issues identified by the university. All universities are required to prepare annual accessibility plans as part of their regular planning process

Universities will not have to identify or remove all barriers at the same time. They will have the flexibility to identify their own priorities. This is important to note as no new funding has been provided for the implementation of the *ODA*.

### *ODA* Requirements

The *ODA* requires that accessibility plans for scheduled organizations (section 15(2)) address barriers in the organization's by-laws, policies, programs, practices and services in the following ways:

- Report on the measures that the organization has taken to identify, remove and prevent barriers to people with disabilities.
- Describe the measures in place to ensure that the organization assesses its proposals for by-laws, policies, programs, practices and services to determine their effect on accessibility for people with disabilities.
- List the by-laws, policies, programs, practices and services that the organization will review in the coming year to identify barriers to people with disabilities.
- Describe the measures the organization intends to take in the coming year to identify, remove and prevent barriers to people with disabilities.
- All other information that the regulations prescribe for the purpose of the plan.
- Make the accessibility plan available to the public.

## **3. Steps in Creating an Accessibility Plan**

The following outline provides a series of steps a university *may* undertake in developing an accessibility plan. It is recognized that universities differ in their mandates and resources and as such organizational structures differ from university to university. For that reason, the following steps are suggestions and guidelines only.

- i. Create an accessibility planning working group.
- ii. Describe the measures in place to ensure that the university assesses its proposals for by-laws, policies, programs, practices and services to determine their effect on accessibility for people with disabilities.
- iii. List the by-laws, policies, programs, practices and services that the university will review in the coming year to identify barriers to people with disabilities.

- iv. Report on the measures that the university has taken to identify, remove and prevent barriers to people with disabilities.
- v. Describe the measures the university intends to take in the coming year to identify, remove and prevent barriers to people with disabilities.
- vi. Consult with students, faculty and/or staff with disabilities on the content of the plan.
- vii. Discuss financial implications of the plan with the university finance department.
- viii. Amend the plan based on consultations.
- ix. Obtain approval of the Board of Governors and make the plan public.

**i) Create an Accessibility Planning Working Group.**

As the *ODA* employs comprehensive definitions of both disability and barrier, the university may choose to include wide representation on the working group. Examples of departments that *may* have representation include:

- Administration and Finance
- Physical Plant
- Centre for Students with Disabilities
- Employment Equity/Human Resources
- Library
- Admissions
- Student Affairs
- University Student Organizations
- Academic Affairs
- Faculty and Staff Associations
- Human Rights Office

**ii) Describe the measures in place to ensure that the university assesses its proposals for by-laws, policies, programs, practices and services to determine their effect on accessibility for people with disabilities.**

The method employed to determine the effectiveness of the plan will vary according to the nature of the barriers being addressed and the mechanisms used to eliminate or prevent them. Universities may want to include a qualitative or quantitative analysis accordingly. Universities may also want to consider unintended impacts of their actions.

Barrier	Action Taken	Action Completed	Impact of Action	Unintended Impact (if any)
Learning Barriers:	Provide support to the faculty and staff in provision of accommodation measures.	Policy written.	Clear guidelines for both faculty and student as to the responsibility and accountability of each party in the accommodation process.	
Accommodation Policies:	Universities may develop and or revise policies as may be required by the Act.	Policy written.	Specific accommodation policies for the classroom and/or assessment may encompass: Attention Deficit/Hyperactivity Disorder; Blindness/Visual Impairment; Chronic Medical Disability; Deafness/Hearing Impediment; Learning Disabilities; Muteness or Speech Impediment; Mobility; Psychiatric Illness; Traumatic Brain Injury	

**iii) List the by-laws, policies, programs, practices and services that the university will review in the coming year to identify barriers to people with disabilities.**

The comprehensive nature of the ODA allows for the identification of barriers in all areas of the university. In determining an approach to identification, working group members may want to consult with experts in the areas of:

Publications and information resources:

Access to information involves matters relating to format and availability of content, including the means of access and technologies associated with it. While access to publications and information is usually the responsibility of the university's library, there are also related responsibilities in all departments and units that produce publications and web sites, such as promotions, marketing and communications.

Equipment and adaptive technology:

Adaptive technology can assist people with disabilities in numerous ways. Screen readers and text magnification software for visual impairments; voice recognition for visual, learning, and physical disabilities; mind mapping/organizational support software for people with learning disabilities; equipment such as automatic desks for individuals with physical disabilities; and FM systems for individuals who are hard of hearing are a few ways universities can accommodate individuals with disabilities. Adaptive technology is used throughout the university.

Physical Facilities:

In striving to ensure access to physical facilities, the objective is to create a campus and facility environment that is free of barriers. Access and use of institutional facilities typically involves matters relating to removal of exterior and interior barriers, signage and building access and transportation services.

Human Resources Issues:

All Ontario universities are concerned with employment equity as demonstrated by their participation in the Federal Contractors Program, which requires them to make accommodations for the specific needs of employees with disabilities. As such, there are

numerous HR policies that could be reviewed periodically for barriers, including recruitment and support services.

Awareness Issues for Faculty and Staff:

Both faculty and staff must be sensitive to attitudinal and/or pedagogical barriers if they are to identify, remove and prevent them. Universities may want to consider expanding or establishing programs to aid faculty and staff in this regard, for example, universal instructional design.

Academic Services and Policies for Students with Disabilities:

All Ontario universities have policies outlining both the student's and the institution's responsibilities with respect to accommodation for students with disabilities. Policies may make reference to academic accommodation, transcription services, classroom instruction, and exam accommodations.

Non-Academic Student Support Services:

Like all students, students with disabilities have a range of non-academic needs. Some of these needs are met through services provided to all students and some are met through special accommodation. Universities may want to review needs in the areas of social events, residence facilities, food services, counselling services, and career and employment services.

**iv) Report on the measures that the organization has taken to identify, remove and prevent barriers to people with disabilities.**

According to Section 15(2) of the *ODA*, each plan must state the steps a university has taken to identify, remove, and prevent barriers to people with disabilities. Defining what activity has occurred in the past will help provide a context for the new activity to be recorded in the plan and give universities the opportunity to showcase accessibility achievements.

After the initial plan, yearly planning will consist of a report on the targets met from the previous year's plan.

**v) Describe the measures the organization intends to take in the coming year to identify, remove and prevent barriers to people with disabilities.**

The core intent of the accessibility plan is to provide an action plan for the elimination of present barriers and the creation of policies and procedures to prevent future barriers from being created. Once identified, universities must determine how to address barriers within their resources and set targets and timelines for these actions. Universities may want to utilize the following table format for identifying and prioritizing barriers:

<b>Barrier:</b> Anything that prevents a person with a disability from fully participating in all aspects of society because of his/her disability.	Implications
Physical Barrier	•Accessibility
Architectural Barrier	•Classroom accessibility •Residence
Information/Communication	•Curriculum materials available in alternate formats (large print, braille, audio, etc.) •Classroom and/or Assessment Accommodation
Attitudinal	•Welcoming environment
Technological	•Accessibility of web based technology
Policy/Practice	•Special Needs Policy

**vi) Consult with students, faculty and/or staff with disabilities on the content of the plan.**

The method of consultation may vary from university to university. Universities are encouraged to consult with their campus’s faculty, student and staff associations when developing accessibility plans.

Groups consulted will vary from university to university. Some universities will have very active student organizations, for example some universities may have a very active student group representing students with hearing disabilities, while other universities will not and thus need to seek consultation from the non-university community. Universities should use their discretion in determining the most appropriate groups and/or individuals to consult.

**vii) Discuss financial implications of the plan with the university financial department.**

As the financial implications of the requirements of the *ODA* are significant and demands on existing funding exceeds funds available, universities may review the plan and associated initiatives for improvement with their finance departments. This review would be to determine planning for these measures in light of availability of funding in the university capital plan.

**viii) Amend the plan based on consultations.**

After consultation takes place, the working group may choose to amend the accessibility plan according to the advice and direction received during the consultation process.

**ix) Obtain approval of the Board of Governors and make the plan public.**

The accessibility plan is complete when the plan receives approval from the Board of Governors. The plan must then be made available to the general public. The method a

university uses to make its plan public may vary. Universities may want to consider either posting or publicizing the availability of the plan on their web sites.

#### **4. Joint Accessibility Plans**

Universities *may* submit joint accessibility plans with other organizations affected by the Act.

For information on the Council of Ontario Universities, visit the web site:  
[www.cou.on.ca](http://www.cou.on.ca)