

College Policy

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POLICY TITLE:	Accessibility
POLICY NO.:	ADMIN-203
RESPONSIBILITY:	Vice-president, Student Affairs
POLICY APPROVED BY:	Durham College Leadership Team
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Introduction

Durham College values and actively promotes the right of all individuals, including those with disabilities, to have an equal opportunity to experience success in their academic and/or employment endeavours with the institution. Durham College recognizes that successful learning and employment outcomes are the result of shared responsibility and commitment on the part of students, employees, faculty and administrative staff.

Purpose

The purpose of this policy is to establish standards for ensuring that all students, employees and faculty of Durham College experience an optimally accessible learning and working environment.

Definitions

Disability is defined as it is found in the Ontario Human Rights Code. (Appendix 1).

Significant alteration is defined as any change to a course, program or employment requirement that modifies its fundamental nature to the extent that it becomes different in meaning and/or intent.

Essential requirements is defined as the essential requirements or academic integrity of a course/program that may include, but are not limited to, the knowledge and skills that must be acquired or demonstrated in order for a student to successfully meet the learning objectives of the course/program.

Undue hardship is defined as it is found in the Ontario Human Rights Code, which prescribes three factors that are to be considered in assessing whether a requested accommodation would cause undue hardship. These are: cost; availability of outside sources of funding; and, health and safety requirements. There may be other factors that are relevant, including, but not limited to, the degree that an accommodation negatively impacts other students, staff and faculty.

Policy statements

1. Basic principles

a) Application of the Ontario Human Rights Code

The Ontario Human Rights Code, Revised Statutes of Ontario, 1990, Chapter H. 19., states that it is public policy in Ontario to recognize the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination. Durham College is committed to upholding these principles, as they apply to the provision of academic services. Part 1, Section 1 of the Code states: "Every person has a right to equal treatment with respect to services, goods, and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or handicap" 1981, c53, s. 1: 1986, c64, s.a8(1).

b) Flexibility

Consideration for the individual will prevail. Faculty and administrative staff will operate with flexibility where required on matters regarding accessibility.

c) Confidentiality

Durham College is concerned with protecting the privacy and confidentiality of individuals with disabilities. At the same time, Durham College needs sufficient information to reasonably evaluate and respond to student/employee requests for accommodation. For this reason, students are required to provide information concerning the nature of their disability, their needs and restrictions. At times, the accommodation process may require that a student disclose such information to staff and faculty, beyond the Centre for Students with Disabilities (CSD), on the basis that they 'need-to-know' this information to perform their duties under the terms of this policy. All personal information disclosed to such staff or faculty shall be governed by the Durham College guidelines on Access to Information and Protection of Privacy.

d) Duty to provide evidence of disability

It is recognized that there is a duty on the student or employee to provide relevant and recent psychological or medical documentation that substantiates his or her disability.

The student must also demonstrate that the disability impacts his or her ability to benefit equally from the educational services of Durham College. The employee is required to provide Human Resources with medical documentation supporting the recommended workplace accommodation and the job duties she or he is limited to or no longer able to perform due to illness or disability.

e) Duty to accommodate

Without undue hardship to the college, all students, employees and faculty with disabilities shall receive, in a way that respects their dignity, those accommodations required to allow them an equal opportunity to experience success.

f) Dispute resolution

Means shall exist for raising concerns and for determining resolution of disputes concerning matters regarding accessibility.

Accessibility for Ontarians with Disabilities Act (AODA) considerations

The Accessibility for Ontarians with Disabilities Act has been considered in the review of this policy. This policy adheres to the college's commitment to accessibility as demonstrated by its Accessibility Plan.

Roles and responsibilities

The vice-president, Student Affairs (VPSA), oversees the accessibility mandate and is responsible for its overall implementation. The VPSA is also responsible for developing and promoting the five-year AODA and accessibility plans.

The vice-president, Academic provides a leadership role in the development and implementation of the Information and Communication standards within AODA.

The vice-president, Human Resources provides a leadership role in the development and implementation of the Employment standards within AODA.

All members of the senior leadership team are responsible for fostering and championing an accessible environment.

All college employees have responsibility for ensuring the ongoing development of an accessible, open and supportive learning environment.

Non-compliance implications

An Administrative Monetary Penalties scheme is being established under AODA. The scheme will allow a director or a designate to issue an order against a person, organization or corporation to pay a penalty amount as a result of non-compliance with the AODA or the accessibility standards. The maximum penalty that could be issued to an individual or an organization is \$50,000.

There are significant costs to implementing the Accessibility Policy, however, failure to comply with applicable federal and provincial legislation may lead to legal costs arising from potential lawsuits for non-compliance.

Related policies, procedures and directives

Accessibility for Ontarians with Disabilities Act, 2005

Campus Accessibility Plan

Canadian Charter of Rights and Freedoms

Freedom of Information and Protection of Privacy Act

Ministry of Economic Development, Trade and Employment: Customer Service Standards

Ontario Human Rights Code

Appendix 1

The Ontario Human Rights Code defines 'Disability' as:

- i. 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;
- ii. a condition of mental impairment or a developmental disability;
- iii. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- iv. a mental disorder; or
- v. an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*

Appendix 2

Accessible Customer Service Providing goods and services to persons with disabilities

1. Introduction

1.1 Durham College is committed to equal access to goods and services, providing exceptional and accessible customer service for its customers, and is obligated to facilitate the implementation of the Accessibility for Ontarians with Disabilities Act 2005 (AODA) and Ontario Regulation 429/07 (Accessibility Standards for Customer Service). To ensure these outcomes, operational policies and procedures for every department of the college are developed under the guidelines of dignity, independence, integration and equality of opportunity, in compliance with AODA.

2. Purpose

2.1 The purpose of this standard is to establish accessibility standards for customer service. This applies to all employees (administrative, faculty, support staff), agents, volunteers and contracted staff of Durham College.

2.2 Durham College recognizes that people with disabilities achieve accessibility to the provisions of goods and services by the college, consistent with the following principles:

- 2.2.1 The goods or services must be provided in a way that respects the dignity and independence of people with disabilities.
- 2.2.2 The provision of goods or services to people with disabilities must be integrated unless an alternate measure is necessary, whether temporary or on a permanent basis, to enable a person with a disability to obtain or benefit from the goods or services.
- 2.2.3 People with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from goods or services.

3. Definitions

3.1 Accessible

Services or goods that are capable of being easily understood or appreciated; easy to get at; capable of being reached, or entered; obtainable.

3.2 Disability

As defined in the Ontario Human Rights Code. (Appendix 1).

4. Roles and Responsibilities

4.1 **Guide dogs, service animals:** If a person with a disability is accompanied by a guide dog or other service animal, the college will permit the person to enter the premises with the animal and keep it with him or her, unless is otherwise excluded by law from the premises. If the service animal is excluded by law from the premises, the college will look to other available measures to enable the person with a disability to obtain,

use or benefit from the college's goods and services.

- 4.2 Support persons:** If a person with a disability is accompanied by a support person, the college will ensure that both parties are permitted to enter the premises together, and that the person with a disability is not prevented from having access to the support person. The college may require a person with a disability to be accompanied by a support person when on the college premises, but only if a support person is necessary to protect the health and safety of the person with a disability or the health and safety of others on the premises. Where fees for programs, goods and services are advertised or promoted by the college, it will provide advanced notice of the amount payable.
- 4.3 Disruption of services:** If there is a disruption in a particular facility or service used to allow a person with a disability to access goods or services, the college will give notice of the disruption to the public by posting the reason for the disruption, the anticipated duration of the disruption, and alternative facilities or services that may be available. This posting will be in a conspicuous place on the premises of the college, or by other reasonable methods in the circumstances. If the disruption is anticipated, the college will provide a reasonable amount of advance notice of the disruption. If the disruption is unexpected, notice will be provided as soon as possible.
- 4.4 Assistive devices:** If a person with a disability requires assistive devices to access programs, goods or services at the college, they are allowed to use such devices. When available, the college will provide assistive technology in order to allow people with disabilities to access college programs, goods and services while on the premises conducting college business.
- 4.5 Feedback process:** The college will provide a mechanism that allows the public to provide feedback on the manner in which the college provides programs, goods and services to people with disabilities. The feedback process will permit the person to provide feedback in person, by telephone, in writing or electronically or otherwise. The feedback process will detail the college's process for receiving and responding to feedback, including timelines and contact information and will be made available on the college website.
- 4.6 Training for staff:** All college employees (including administrators, faculty, support staff), volunteers, agents, contractors and others who deal with the public or third parties, and those involved in developing customer service policies, practices and procedures, will receive Accessible Customer Service training. The college will keep records of the training provided, including dates training is provided and number of persons trained. The training will be delivered in a variety of formats and will be provided on an ongoing basis for employees in order to stay current with changes in policies, practices and procedures. The training will include the following:
- 4.6.1 The purpose of AODA and the requirements of the customer service standard.
 - 4.6.2 How to interact and communicate with persons in a manner that takes into account their disability.
 - 4.6.3 How to provide goods and services in a manner that respects the dignity and independence of persons with disabilities.

- 4.6.4 The process to provide feedback to the college about the provision of services to persons with disabilities in any department or school and how the college responds to the feedback and takes action on any complaint.
- 4.6.5 How to interact with persons with disabilities who use assistive devices or require the assistance of a guide dog, service animal or a support person to access goods or services.
- 4.6.6 How to use equipment or devices available on the college premises or provided by the college that may help with the provision of Goods and services; and
- 4.6.7 What to do if a person with a disability is having difficulty accessing the college's programs, goods or services.

4.7 Notice of availability of documents: This document and other policies and practices related to the provision of goods and services for people with disabilities will be advertised through a variety of methods to ensure the public of their existence. These documents will be made available on request and in a format that takes into consideration, the person's disability.

5. Non-compliance implications

Consequences of non-compliance with this standard include financial, human rights and legal implications. The Accessibility Standards for Customer Service, Ontario Regulation 429/07 includes a fine for a person who is non-compliant of up to \$50,000 a day and for a corporation of up to \$100,000 each day that they continue to be non-compliant.

7. Related Procedures

Each college department/school will be responsible for ensuring that their individual policies and procedures reflect this institutional policy and commitment, and the obligation of the college to the Accessibility Standards for Customer Service (O. Reg. 429/07).

Appendix 3

Integrated Accessibility Standards

Introduction

Under the Accessibility for Ontarians with Disabilities Act (AODA), 2005 all public- and private-sector organizations must meet the requirements of accessibility standards. The Integrated Accessibility Standards within AODA include Employment, Information and Communication, and Transportation. The purpose is to streamline, align and phase-in accessibility requirements and strive towards an inclusive environment for all individuals. The long-term goal of this legislation is to achieve a barrier-free Ontario by 2025. The Integrated Accessibility Standards came into effect July 1, 2011. Durham College is committed and guided by the four core principles of Dignity, Independence, Integration and Equal Opportunity and supports the full inclusion of persons as set out in the Canadian Charter of Rights and Freedoms, and the Accessibility for Ontarians with Disability Act, 2005. Durham College shall use every effort to ensure that it meets the needs of people with disabilities, in a timely manner, through the implementation of this policy.

Purpose

This standard is in accordance with the Integrated Accessibility Standards, Ontario Regulation 191/11 under the AODA. Durham College achieves accessibility through meeting the Regulation's requirements. It provides the overall strategic direction that we will follow to provide accessibility supports to Ontarians with disabilities.

The requirements of the regulation include:

- Establishment, implementation, maintenance and documentation of a multi-year accessibility plan that outlines the organization's strategy to prevent and remove barriers and meet its requirement under the regulation;
- Incorporation of accessibility criteria and features when procuring or acquiring goods, services, or facilities;
- Training; and
- Other specific requirements under the Information and Communication, Employment and Transportation standards.

Definitions

Accessible formats may include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities (format accessible).

Accommodation means the special arrangement made or assistance provided so that persons with disabilities can participate in the experiences available to persons without disabilities. Accommodation will vary depending on the person's unique needs.

Communication supports may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

Communications means the interaction between two or more persons or entities, or any combination of them, where information is provided, sent or received.

Conversion ready means an electronic or digital format that facilitates conversion into an accessible format.

Designated public-sector organization means every municipality and every person or organization listed in Column 1 of Table 1 of Ontario Regulation 146/10 (Public Bodies and Commission Public Bodies – Definitions) made under the Public Service of Ontario Act, 2006.

IAP means individualized accommodation plan.

Information includes data, facts and knowledge that exist in any format, including text, audio, digital or images, and that convey meaning.

Internet website means a collection of related web pages, images, videos, or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and accessible to the public.

Mobility aid means a device used to facilitate the transport, in a seated posture, of a person with a disability.

Mobility assistive device means a cane, walker, wheelchair, scooter or similar aid.

New Internet website means either a website with a new domain name or a website with an existing domain name undergoing a significant refresh.

Redeployment means the reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated.

Unconvertible means

- a) If it is not technically feasible to convert the information or communications;
- b) The technology to convert the information or communications is not readily available.

Web content accessibility guidelines means the world wide web consortium recommendation, dated December 2008, entitled Web Content Accessibility Guidelines (WCAG) 2.0.

General Provisions

1. Multi-Year Accessibility Plan

Durham College's Multi-Year Accessibility Plan outlines a phased-in strategy to prevent and remove barriers and addresses the current and future requirements of the AODA. The college will report annually on the progress and implementation of the plan, post the information on its website and provide it in alternative formats upon request. The plan will be reviewed and updated at least once every five years.

2. Procuring or acquiring goods, services or facilities

Durham College will use accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practical to do so (in which case, if requested, an explanation will be provided).

3. Training

The college will ensure that training is provided to all employees and regular fee-for-service staff on the requirements of the accessibility standards referred to in the regulation and in the Human Rights Code as it pertains to persons with disabilities. Training will be provided as soon as practicable. If any changes are made to this standard or the requirements, training will be provided. The college shall maintain a record of the dates when training is provided and the number of individuals to whom it was provided.

4. Information and Communication Standard

Durham College will create, provide and receive information and communications in ways that are accessible to people with disabilities. If the college determines that it is not technically feasible to convert the information or communications or the technology to convert the information or communication is not readily available, the college will be obligated to provide the person that requires the information with:

- a) An explanation as to why the information or communications are unconvertible; and
- b) A summary of the unconvertible information or communications.

5. Emergency information

All emergency procedures, plans or public safety information that is made available to the public will be provided in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

6. Feedback

The college has a process in place for receiving and responding to feedback and will ensure that those processes are provided in accessible formats and with communication supports upon request. The public will be notified about the availability of accessible formats and communication supports.

7. Accessible formats and supports

Durham College will provide or arrange for accessible formats and communication supports for persons with disabilities:

- a) Upon request in a timely manner that takes into account a person's accessibility needs due to a disability;
- b) At a cost that is no more than the regular cost charged to other persons;
- c) Consult with the person making the request and determine suitability of an accessible format or communication support; and
- d) Notify the public about the availability of accessible formats and communication supports.

8. Website accessibility

The college will ensure the its website and web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 initially at Level A and increasingly to Level AA. Effective January 1, 2014, any new web content will conform with WCAG 2.0 Level A.

9. Education, training and materials

Durham College will provide educational and training materials (where possible), student records and program information, in accessible formats upon request. Each request is considered based on the accessibility needs of the student, and is resolved either by purchasing, creating or obtaining an accessible or conversion-ready electronic format, or arranging for a comparable resource in an accessible format.

10. Employment Standard

The Employment Standard builds upon the existing requirements under the Ontario Human Rights Code in relation to how to accommodate individuals with disabilities throughout the job application process and the employment relationship. It applies in respect to employees and does not apply to volunteers and other non-paid individuals.

The requirements of the Employment Standard shall be met by Durham College by January 1, 2014 unless otherwise specified.

11. Recruitment

The college will notify employees and the public about the availability of accommodations for applicants with disabilities:

- a) During the recruitment process when job applicants are individually selected to participate in an assessment or selection process;
- b) If a selected applicant requests an accommodation, Durham College will consult with the applicant and provide or arrange for the provision of a suitable accommodation that takes into account the applicant's disability; and,
- c) Notify successful applicants of the policies for accommodating employees with disabilities.

12. Employee notification

Durham College will inform its employees of policies used to support its employees with disabilities, including but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to a disability:

- a) As required to new employees as soon as practicable after they begin their employment; and,
- b) Whenever there is a change to existing policies on the provision of job accommodations that take into account an employee's accessibility needs due to a disability.

13. Accessible Formats

Where an employee with a disability requests accessible formats, the college will consult with the employee to provide or arrange for the provision of accessible formats and communication supports for:

- a) Information that is needed in order to perform the employee's job;
- b) Information that is generally available to employees in the workplace; and
- c) Consult with the employee making the request in determining the suitability of an accessible format or communication support.

14. Individual accommodation plan (IAP)

Durham College will have in place a written process for the development of a documented IAP for employees with disabilities. The process is to include:

- a) The employee's participation in the development of the IAP;
- b) Assessment on an individual basis;

- c) Identification of accommodations to be provided;
- d) Timelines for the provision of accommodations;
- e) The college may request an evaluation by an outside medical or other expert, at its own expense, to assist with determining accommodation and how to achieve accommodation;
- f) Full-time employees may request the participation of a union representative in these discussions;
- g) Steps taken to protect the privacy of the employee's personal information;
- h) Frequency with which the IAP will be reviewed and updated and the manner in which it will be done;
- i) If denied, the reasons for denial are to be provided to the employee;
- j) A format that takes into account the employee's disability needs;
- k) If requested, any information regarding accessible formats and communication supports provided; and
- l) Identification of any other accommodation that is to be provided.

15. Return to work

The college will have in place a return-to-work process for employees who have been absent from work due to a disability and require disability-related accommodation in order to return to work.

16. Performance management, career development and advancement, and redeployment

Durham College will consider the accommodation needs and/or individual accommodation plans of employees when:

- a) Using the college's performance management system;
- b) Providing career development and advancement information; and,
- c) Using redeployment procedures.

17. Workplace emergency response information

The college will provide individualized workplace emergency response information to employees who have a disability:

- a) If the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability;
- b) If the employee who receives individual workplace emergency response information requires assistance and with the employee's consent, Durham College will provide the workplace emergency information to the person designated by the college to provide assistance to the employer;
- c) As soon as practicable after becoming aware of the need for accommodation due to the employee's disability; and
- d) Review the individualized workplace emergency response information when the employee moves to a different location in the organization, when overall accommodation needs or plans are reviewed and when the employer reviews its general emergency response policies.

18. Transportation Standard

While the college is not primarily in the business of transportation, it does periodically provide or arrange for transportation services for college-related functions. Accessible transportation or equivalent services is provided (upon request) for persons with disabilities, and is provided at no additional cost. Individuals must contact an event's co-ordinator to request this accommodation.

Non-compliance implications

An administrative monetary penalties scheme is being established under AODA. The scheme will allow a director or a designate to issue an order against a person, organization or corporation to pay a penalty amount as a result of non-compliance with the AODA or the accessibility standards. The maximum penalty that could be issued to an individual or an organization is \$50,000.

Appendix 4

Roles and Responsibilities of College Community

1. Compliance with legislation:

- a) All college policies, procedures and practices regarding accessibility will comply with applicable federal and provincial legislation such as the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act, and the Freedom of Information and Protection of Privacy Act.

The college will amend its Accessibility Policy to reflect a commitment to the new AODA standards and as each of the new five regulations is released, they will be incorporated as appendices to the current Accessibility Policy.

AODA includes five regulations:

- a) Customer Service (see Appendix 2)
- b) Transportation (included with Integrated Accessibility Standards, see Appendix 3)
- c) Information and Communication (see Appendix 3)
- d) Employment (see Appendix 3)
- e) Built Environment (under review)

2. Durham College is responsible for providing an accessible learning and working environment that includes:

- a) Appropriate support services for persons with disabilities.
- b) Promotion of awareness of accessibility legislation and the promotion of a positive attitude towards persons with disabilities.
- c) Provision of academic accommodations involving a collaborative process that imposes certain responsibilities on all those involved. This policy reflects the shared responsibilities of students with disabilities, instructors, departments, faculties, and administrative staff in the provision of academic accommodations and the ongoing development of an accessible, open and supportive learning environment.

3. Durham College will make every effort to accommodate the particular needs of self-identified individuals provided the accommodation does not:

- a) Exceed undue hardship.
- b) Threaten the integrity of a program by significantly altering the essential requirements of the program or course(s).
- c) Threaten the integrity of contracts of employment by significantly altering essential job requirements or responsibilities.

4. Academic and employment access:

- a) Durham College will monitor admissions policies and procedures to ensure that disability-related circumstances for students who are otherwise academically qualified, are weighed in the process.

- b) The college will monitor employment postings to ensure that they support and encourage all qualified applicants including those with disabilities.

5. Facilities:

- a) All college facilities will be physically and technologically accessible within the limits of physical and financial resources.

6. Confidentiality:

- a) Durham College will protect the privacy of all persons with respect to self-disclosed information as per the Freedom of Information and Protection of Privacy Act.

7. Implementation of the Policy:

- a) It shall be the responsibility of the Accessibility Working Group to recommend revisions to the policy and/or associated procedures.
- b) Authority to make final decisions on matters regarding accessibility shall rest with the appropriate college vice-president.
- c) Individuals may file a written complaint with the appropriate vice-president regarding their experience with the implementation of any part of this policy or its associated procedures.