

COLLEGE POLICY

POLICY TYPE:	Administrative
POLICY TITLE:	Accommodations for Students with Disabilities/Exceptionalities
POLICY NO.:	ADMIN-225
RESPONSIBILITY:	Vice-president, Student Affairs and vice-president, Academic
APPROVED BY:	Durham College Leadership Team (DCLT)
EFFECTIVE DATE:	September 2015
REVISED DATE(S):	
REVIEW DATE:	January 2018

1. Introduction

Durham College values and actively promotes the right of all individuals, including those with disabilities/exceptionalities, to have an equal opportunity to experience success in their academic endeavors with the institution. Durham College recognizes that successful learning outcomes are the result of shared responsibility and commitment on the part of all members of the Durham College Community.

2. Purpose

The purpose of this policy is to identify college obligations to accommodate applicants and students with disabilities/exceptionalities and to provide a framework for developing appropriate accommodation to the point of undue hardship. The policy also provides an effective and timely process for applicants and students to appeal accommodation decisions made under this policy.

3. Definitions

3.1. Accommodation:

Individualized assistance, support or other help to assist a student in meeting his or her program or course requirements, or accessing Durham College's services, without causing undue hardship for Durham College.

3.2. Disability:

3.1.1. 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.

- 3.1.2. A condition of mental impairment or a developmental disability.
- 3.1.3. A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.
- 3.1.4. A mental disorder.
- 3.1.5. An injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

3.3. Exceptionality

Refers to an area of functioning which is significantly different from the established norms; examples include specific learning disabilities, deafness, Autism Spectrum Disorder. Individuals who have exceptionalities may also be referred to as “exceptional”.

3.4. Qualified Applicant

For the purposes of this policy means a person who has applied to Durham College and whose qualifications meet the requirements to be considered further for an offer of admission to a college academic program, course or other academic offering.

3.5. Student

For the purposes of this policy, unless explicitly defined otherwise, means a person who either has accepted an offer of admission to a college academic program, course or other academic offering, or who is registered in same.

Durham College has a duty to accommodate students and qualified applicants with disabilities to the point of undue hardship. The question of when undue hardship is reached must be evaluated in the context of each specific request for accommodation.

4. Policy statements

4.1. Guiding Principles

- 4.1.1. Each student has the right to access education in an environment that promotes individual dignity, equality, and respect. Durham College prohibits and will not tolerate discrimination or harassment on the basis of disability, or any other ground enumerated in the *Ontario Human Rights Code*.

- 4.1.2. Durham College focuses on the removal of barriers to education and services for students by designing facilities, systems, services and curricula in such a way that enhances accessibility. Durham College will accommodate students with disabilities/exceptionalities requiring accommodation to the point of undue hardship.
- 4.1.3. Accommodation is intended to promote integration and full participation of persons with disabilities/exceptionalities.
- 4.1.4. The needs of the students are accommodated in a manner that respects their dignity.
- 4.1.5. Willingness to explore all possible accommodation solutions is key to treating students with respect and dignity and appropriately accommodating a student's disability.
- 4.1.6. As each person has unique needs, and accommodation is explored and provided on an individualized basis.
- 4.1.7. The accommodation process is a cooperative process, involving shared responsibilities among the student requesting accommodation and Durham College.
- 4.1.8. Once accommodation is provided, students are expected to meet the published learning outcomes and essential requirements of their academic programs.

4.2. Accommodation Principles

- 4.2.1. Durham College will accommodate qualified applicants with disabilities/exceptionalities with respect to pre-admission requirements and processes, including for example, accommodations regarding pre-admission tests.
- 4.2.2. Students with disabilities/exceptionalities who are admitted to Durham College's programs will be accommodated to the point of undue hardship, regardless of their prospects for success in their program(s) or for finding employment post-graduation.
- 4.2.3. Where accommodation includes modification or waiver of a health or safety practice, Durham College will assess the resulting risk to the student and others on an objective basis. If accommodation would result in a significant or substantial health or safety risk to the student requesting accommodation, to other students, college employees or volunteers, or other members of Durham College community Durham College may deny the accommodation on the grounds of undue hardship.
- 4.2.4. Durham College is guided by procedure Accommodation Procedure for

Students with Disabilities/Exceptionalities ADMIN 225.1 to facilitate the implementation of this policy.

- 4.2.5. Where a person with a disability/exceptionality cannot be accommodated in accordance with these principles, or where a person is found incapable of performing the essential requirements of a program or course, alternatives are explored with the student. Any arrangements regarding withdrawal must be approved by the vice president, Academic, or designate. Issues related to fees or possible fee refunds are decided by Student Enrollment Services.
- 4.2.6. Students with disabilities/exceptionalities who appeal matters under Durham College's Accommodation Procedure for Students with Disabilities/Exceptionalities appeal procedure (ADMIN 225.1) will be provided with reasonable accommodation to the point of undue hardship in the appeal process.
- 4.2.7. Durham College is not responsible for costs incurred by a party who retains a paid advisor.

5. Accessibility for Ontarians with Disabilities Act (AODA) considerations

Durham College's commitment to accessibility and AODA standards has been considered in the development of this policy and it adheres to the principles outlined in the AODA standards and Durham College Accessibility Policy (ADMIN-203). All communications related to accommodations will be fully accessible and available in multiple formats at the time of the communication as per the AODA standards, upon request.

6. Roles and responsibilities

- 6.1. The vice-president, Student Affairs is primarily responsible for overseeing and implementing Durham College's policies on accommodation.
- 6.2. Durham College will accept requests for accommodation in good faith unless there are legitimate reasons for not doing so.
- 6.3. Durham College will investigate all potential solutions and approaches to accommodation requests, and Durham College will keep records of accommodations requested and steps taken.
- 6.4. Durham College will respond to accommodation requests in a timely manner and will maintain confidentiality to the extent possible in the circumstances.
- 6.5. Durham College may obtain expert advice or opinion where necessary for purposes of accommodation.

- 6.6. Students are responsible for advising Durham College of a disability/exceptionality requiring accommodation and for providing sufficient information as to the student's needs, restrictions and/or limitations. The student has a responsibility to respond to reasonable requests for information made by Durham College relevant to accommodation.
- 6.7. The student is further required to participate in discussions around possible accommodation solutions and to cooperate and participate in the accommodation process. The student must work with Durham College on an ongoing basis to assess, manage and update accommodations.
- 6.1. Information about student and employee responsibilities are found in the Accommodation for Students with Disabilities/Exceptionalities Procedure ADMIN 225.1.

7. Non-compliance implications

The Ontario government established an Administrative Monetary Penalties scheme under AODA. The scheme allows a ministry 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 is \$2000 per day and to an organization is \$15,000 per day.

Failure to comply with applicable federal and provincial legislation may lead to legal costs arising from potential lawsuits for non-compliance.

8. Communications plan

An article will be placed on the Info Centre for Employees (ICE) with accompanying policy for campus awareness. Policy will be posted on ICE. New staff and faculty will be made aware of the policy as part of their orientation. Students will be made aware through admissions material, ongoing class presentations, training sessions, awareness initiatives and events. Policy will be included in training with Student Association leaders and other student groups on an ongoing basis.

9. Related policies, procedures and directives

- Accessibility for Ontarians with Disabilities Act, 2005 S.O. 2005
- Accessibility Standards for Customer Service, O.Reg. 429/07
- Canadian Charter of Rights and Freedoms, 1982
- Durham College Accessibility Policy, ADMIN 203
- Durham College Accessible Customer Service Policy ADMIN-249
- Durham College Accessible Format Course Materials for Students with Disabilities Policy ACAD-117

- Durham College Accommodation for Students with Disabilities/Exceptionalities Procedure ADMIN-225.1
- Durham College Campus Accessibility Plan
- Durham College Employee Code of Conduct EMPL 317
- Durham College Integrated Accessibility Standards Regulation: Information and Communication Standard, Employment Standard, Transportation Standard, and Design of Public Spaces Standard, ADMIN 250
- Freedom of Information and Protection of Privacy Act RSO 1990, c.F.31
- Integrated Accessibility Standards Regulation, O.Reg.191/11
- Ontario Human Rights Code R.S.O. 1990, c.H.19
- Ontarians with Disabilities Act, 2001, S.O. 2001, c.32 Ontario Human Rights Commission: Guidelines on Accessible Education (Approved by the Commission September 29, 2004)
- Personal Health Information Protection Act (PHIPA) 2004. S.O. 2004, c.3, Sched. A
- Workplace Safety and Insurance Act, 1997

Policy development checklist – to be completed by author and sent to President’s Office with document ready for inclusion in DCLT agenda package. Documents are due to the President’s Office 10 days in advance of presentation to DCLT for approval.

I have:

- ❑ Completed all of the sections above, with a focus on clear policy direction and implications and the removal of any procedural language/steps.
- ❑ Written the policy in clear, plain language that is easy to comprehend (avoid, where possible, technical terms).
- ❑ Shared a draft of the policy with all other members of DCLT and any appropriate college committees *directly* impacted by the policy and incorporated their feedback where possible. The intent is to have all feed-back addressed in advance of the DCLT meeting at which the policy is to be approved. (For example, the Students Rights and Responsibilities has implications for both the vice-president, Academic and also the vice-president, Human Resources.)
- ❑ Ensured inclusiveness, accessibility and AODA standards were fully considered in the development or renewal of this policy/procedure. This includes retaining the formatting of the template (style, font, basic headings, footer, etc.), run the document through the Microsoft Office accessibility checker, and fixed any accessibility issues identified by the checker (File Tab, Prepare for Sharing “Check for Issues”, Check Accessibility).
- ❑ Reviewed the related policies, procedures and directives section to ensure all relevant documents are included in alphabetical order.
- ❑ Ensured all related procedures are also ready for review with this policy. DCLT reviews all policies and related procedures at the same time to ensure consistency. Use Procedure Template – ADMIN 201 – v July 2015.