

College Procedure

PROCEDURE TYPE:	Administrative
PROCEDURE TITLE:	Accommodation for Students with Disabilities/Exceptionalities
PROCEDURE NO.:	ADMIN 225.1
RESPONSIBILITY:	Vice-president, Student Affairs and vice-president, Academic
APPROVED BY:	Durham College Leadership Team (DCLT)
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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 procedure is to identify the College's responsibilities to accommodate applicants and students with disabilities/exceptionalities, and the students' and applicants' responsibilities in the accommodation process.

3. Definitions

3.1. Accessibility Coach

This position works in the Access and Support Centre to assist students with exceptionalities in identifying a pathway to educational equity and implementing strategies for successful completion of their college goals.

3.2. 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.

3.3. Disability

- 3.3.1. 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.

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

3.4. 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”.

3.5. 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.

3.6. 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.

4. Procedure

4.1. Accommodation Procedures

- 4.1.1. Durham College advises all students and applicants about the availability of services for students and applicants with disabilities/exceptionalities. Information about the Access and Support Centre is included with offers of acceptance for post-secondary programs. The Continuing Education calendar includes a general statement about the availability of assistance for students with a disability/exceptionality. Applicants can find information about the Access and Support Centre (ASC) in the [course calendar](#).
- 4.1.2. Students and applicants are responsible for advising Durham College of a disability/exceptionality requiring accommodation by contacting the Access and Support Centre. Early identification is encouraged so that appropriate accommodations can be put in place by the beginning of the term and

during the application process.

- 4.1.3. The Access and Support Centre meets with the student to collect necessary information. Students are responsible for providing the ASC with sufficient information as to their needs, restrictions and/or limitations, which may include medical documentation (“supporting documentation”). Students are also responsible for responding to reasonable requests for information made by Durham College for the purposes of accommodation.
- 4.1.4. Students who request accommodation are assigned to an accessibility coach or case manager who reviews the information collected and assesses the supporting documentation and appropriate accommodation solutions. The student is responsible for cooperating with and participating in the accommodation process, and is strongly encouraged to meet with the coach to consult about appropriate academic accommodation.
- 4.1.5. The accessibility coach prepares a written "Confidential Student Academic Accommodations Form" that lists academic accommodations provided given the student's disability/exceptionality. The student's supporting documentation remains strictly confidential, is kept secure in the ASC, and is only shared with those individuals who are on a “need to know” basis for the purposes of accommodation.
- 4.1.6. The student is provided with copies of their personal "Confidential Student Access Plan." With the student's permission the ASC will email each of the student's professors with the plan or the student can choose to provide a copy to the professor in each class for which accommodation is required, to the extent it is necessary to do so for purposes of accommodation. It is recommended that the student meet personally with each professor to discuss the required accommodations.
- 4.1.7. If the appropriate academic accommodation is a reduced course load, the accommodation will be provided within the criteria of financial aid and enrolment procedures for *Students with Disabilities/Exceptionalities Requiring a Reduced Course Load*. (Strategic Enrolment Services internal policy and procedure.

4.2. Challenge of an Accommodation

- 4.2.1. If a student has a concern about the appropriateness of an academic accommodation provided, the student is responsible for raising the concern immediately with the faculty member who teaches the course. If the matter is not resolved within 5 business days, the student is responsible for raising the concern immediately with the assigned accessibility coach or with another coach at the ASC. The accessibility coach or another member of the ASC will meet with the student as soon as is reasonably possible to review the student's needs and accommodations, and attempt to resolve the student's concern.

- 4.2.2. If the student has a concern about the appropriateness of a non-academic accommodation provided, the student is responsible for raising the concern immediately with the assigned accessibility coach or with another coach at the ASC. The accessibility coach or another member of the ASC will meet with the student as soon as is reasonably possible to review the student's needs and accommodations, and attempt to resolve the student's concern.
- 4.2.3. If the student's concern is not resolved within 15 business days from the date the coach or ASC was first contacted, the student, the or the coach may refer the concern to the director, ASC for review.
- 4.2.4. The, director, ASC, within 7 business days of the referral, reviews and decides on the matter, and communicates Durham College accommodation decision to the student in writing. In the case of an academic accommodation, the academic advisor/associate dean for the student's program is consulted prior to the deciding of the matter. In the case of a non-academic accommodation, the Director, ASC will consult with the director of the relevant college department prior to the deciding of the matter.
- 4.2.5. If the student is not satisfied with the Durham College accommodation decision, the student may within five (5) business days initiate an appeal as outlined below.

4.3. Multiple Proceedings

- 4.3.1. Where the director, ASC determines that the subject matter of the complainant is more appropriately dealt with under another college policy, the director may, following consultation with the administrator of the other policy, exercise discretion to direct that the matter be dealt with and decided under the other college policy.
- 4.3.2. Where the subject matter of a complaint is also the subject matter of another procedure (e.g., an appeal of a grade under the Grade Appeals Policy ACAD111), the director, ASC works with the coordinator or administrator of the other policy to determine under which policy the matter is first addressed.

4.4. Appeal Procedure

- 4.4.1. A student may appeal a college accommodation decision to the vice president, Student Affairs (VPSA), within five (5) business days of receipt of a college accommodation decision from the ASC. In extenuating circumstances, an appeal filed beyond the five (5) business day limitation may be considered. All other time limits prescribed in this procedure may be extended with the written agreement of the parties.

4.5. Grounds for an Appeal

The student may appeal the college accommodation decision on one or more of the following grounds:

- a) There was a serious procedural or factual error which was prejudicial to the student.
- b) New evidence or information, not available at the time of the college accommodation decision, has been discovered, which casts doubt on the correctness of the decision.
- c) The student disputes that the accommodation decision provides them with the appropriate accommodation of their disability/exceptionality.

4.6. Initiating the Appeal

To initiate an appeal the student submits a written appeal to the VPSA, including all of the following information:

- a) Student name and number.
- b) Program name and number.
- c) A brief description of the college accommodation decision being appealed.
- d) A brief statement of the grounds for the appeal.
- e) The student's signature.
- f) The date of submission of the appeal.
- g) An attachment that provides details about the alleged serious procedural or factual errors, the new evidence/information, and how they caused prejudice to the student or rendered the decision incorrect, or the reasons for believing that the accommodation provided is inappropriate.

4.7. Appeal Process

The Accommodation Appeals Committee will consist of the VPSA and the vice president Academic (VPA).

The VPSA acknowledges receipt of the appeal and reviews the appeal to determine if the appeal has grounds based on the criteria set out above. If there are grounds for the appeal, it will proceed to the Accommodation Appeals Committee.

4.7.1. Review of Appeal

The appeal process will be initiated within 10 business days of receipt of the appeal.

The Accommodation Appeals Committee will:

- a) Meet with the student and provide an opportunity for the student to outline the reason for the appeal by elaborating on any new evidence/information or perceived procedural irregularity;
- b) Clarify any issues raised and identify any additional parties who need to be consulted to be able to make an informed decision;
- c) Provide the director, ASC and the accessibility coach with the opportunity to respond to the student's submissions; and,
- d) Provide the student with an opportunity to reply to the college's submissions.

4.7.2. Guiding Principles

In considering the submissions of the parties, the Accommodation Appeals Committee is guided by the following principles:

- a) In determining questions of fact, including allegations of serious procedural or factual error or new evidence/information that is alleged not to have been available at the time of the college accommodation decision and is alleged to cast doubt on the correctness of the decision, the Accommodations Appeals Committee decides on a balance of probabilities (i.e., the evidence shows that it is more likely than not that the alleged fact is true or not),
- b) Decisions of the Accommodation Appeals Committee:

In determining whether the college accommodation decision was appropriate the Accommodation Appeals Committee may determine:

- That the accommodation was reasonable in all of the relevant circumstances.
- That the appropriate accommodations have not been applied in all relevant circumstances, and the appropriate accommodation must be implemented.
- That there was a procedural error and the matter must be returned to the director, ASC for a redetermination.

- That the new evidence/information impacts the appropriateness of the accommodation provided, and the matter must be returned to the director, ASC for a redetermination

The Accommodation Appeals committee shall provide a written decision to the student who filed the appeal within 15 business days of the appeal being filed.

4.8. Protection from Reprisal

In order to protect individuals who make use of this policy or participate in procedures under this policy, Durham College prohibits reprisal or threat of reprisal against these individuals. Individuals who violate these provisions may be subject to discipline or other corrective action under the Employee Code of Conduct policy EMPL 317.

5. Roles and responsibilities

- 5.1. The VPSA is primarily responsible for overseeing and implementing Durham College's policies on accommodation.
- 5.2. Durham College will accept requests for accommodation in good faith unless there are legitimate reasons for not doing so.
- 5.3. Durham College will investigate all potential solutions and approaches to accommodation requests, and Durham College will keep records of accommodations requested and steps taken.
- 5.4. Durham College will respond to accommodation requests in a timely manner and will maintain confidentiality to the extent possible in the circumstances.
- 5.5. Durham College may obtain expert advice or opinion where necessary for purposes of accommodation.
- 5.6. 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.
- 5.7. 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. 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).

7. 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 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 Grade Appeals ACAD 111
- Durham College Integrated Accessibility Standards Regulation: Information and Communication Standard, Employment Standard, Transportation Standard, and Design of Public Spaces Standard, ADMIN 250
- Durham College Students with Disabilities/Exceptionalities Requiring a Reduced Course Load. (Strategic Enrolment Services internal policy and procedure).
- Freedom of Information and Protection of Privacy Act RSO 1990, c.F.31
- Human Rights Code R.S.O. 1990, c.H.19
- Integrated Accessibility Standards Regulation, O.Reg.191/11
- 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