

TYPE:	Academic
TITLE:	Accommodations for Students with Disabilities/Exceptionalities
NO.:	ACAD-107
RESPONSIBILITY:	Vice-President, Academic and Students
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	April 2025

1. Introduction

Durham College is committed to upholding a student's right to individualized, timely and reasonable accommodation, promoting dignity, independence, equity, and inclusion. The College supports a culture of acceptance, inclusion and the celebration of diversity. In addition, the College recognizes that academic accommodation is a shared responsibility and a highly collaborative process requiring engagement and full participation of multiple stakeholders, each playing a vital role.

2. Purpose

This policy provides a framework to ensure accessible learning and promote inclusion for students with disabilities/exceptionalities at the College. It clarifies the mandate, roles and responsibilities related to accommodations, offering guidelines for creating an inclusive learning environment.

3. Definitions

Refer to [Durham College's Standard Definitions](#).

4. Policy statements

- 4.1. Students have the right to reasonable accommodation in an environment that promotes individual dignity, equality, and respect.
- 4.2. The College focuses on removing barriers to education and services for students by designing facilities, systems, services, courses and programs that enhance accessibility.
- 4.3. The accommodation process is collaborative, involving a shared responsibility between the student requesting the accommodation and the College. Students requesting accommodation must fully and cooperatively engage in the accommodation process.

- 4.4. Admissions assessments of students with disabilities/exceptionalities will be based on a current needs assessment.
- 4.5. Students may receive interim accommodations for disabilities/exceptionalities in good faith typically for up to one semester, pending receipt of medical documentation that establishes a disability/exceptionality and related medical needs.
- 4.6. The College may obtain expert advice or opinion where necessary for the purposes of accommodation.
- 4.7. The College will provide reasonable accommodation to students to the point of undue hardship.
- 4.8. Once accommodation is provided, students are expected to meet the published learning outcomes and essential requirements of their academic courses and programs. Accommodations cannot modify the essential requirements of academic courses or programs.
- 4.9. Course delivery modes (such as in-person, online, and hybrid) are determined in order to allow students to meet the educational objectives of each program and course. While the College makes every effort to accommodate students with disabilities/exceptionalities, changes to the mode of course delivery for individual students may not always be feasible. In these cases, the Access and Support Centre (ASC) will work collaboratively with students, faculty, and staff to explore alternative reasonable accommodations that align with course requirements and institutional capabilities.
- 4.10. Students will be provided with assistance and accommodation on an individual basis through self-registration with the ASC.
- 4.11. Students who register with the ASC will not be identified on their official College transcript and/or graduation documentation. Documentation or identifiers will not be shared outside the ASC without a student's consent.
- 4.12. Where the application of an accommodation may cause significant health and safety risks, the College will assess the accommodation and the resulting risk to the student and others on an objective basis.
- 4.13. Students may dispute decisions regarding an accommodation.
- 4.14. The College is not responsible for costs incurred by a party who retains a paid advisor.
- 4.15. The College recognizes the rights of students, parents, guardians, and support persons to participate in the accommodation and dispute resolution processes.

5. Procedure

- 5.1. Information regarding the availability of ASC services for students will be communicated through College materials such as, but not limited to, the website, the learning management system (DC Connect), program guides and course outlines.
- 5.2. Individuals who are applying for admission to the College must meet program eligibility criteria, timelines, and selection criteria relevant to the program. They will be provided with access to reasonable accommodation in the admission and selection process. Once an applicant has met a program's existing admissions criteria, no additional proof relating to capability will be required during the admissions process.
- 5.3. Students seeking accommodations, who had previous accommodated learning plans from other institutions, are required to connect with the ASC to register for supports from the College.
- 5.4. Students seeking academic accommodations should register with the ASC at their earliest convenience to ensure their Access Plans are established before the semester begins. While students may register with the ASC at any time during their program, accommodations involving educational assistants, academic strategists, sign language interpreters, and computerized note-takers may require additional time to arrange, depending on availability and coordination of services.
- 5.5. Documentation from a health professional describing functional limitations is required in order to develop a full accommodation plan (Access Plan). As such, students registering with the ASC will be asked to provide sufficient documentation establishing medical needs stemming from a disability/exceptionality. The health professional providing this documentation must be licensed by a regulated body and qualified to do so. The documentation provided should include:
 - a) Confirmation that the student has a disability/exceptionality (disclosure of diagnosis not required); and
 - b) The functional impact/limitation and needs associated with the disability/exceptionality.

In response to a student's request for accommodation, the College may require objective medical assessment/evidence from an expert regulated health professional of its choosing at any point during the accommodation process or dispute resolution process outlined in 5.17. If expert assistance is required, the timelines prescribed in this policy and procedure will be suspended in order to reasonably facilitate the expert's assistance. Students are expected to cooperate with experts whose assistance is required.

- 5.6. Individualized Access Plans are developed by an Accessibility Coach, guided by the student's documentation, accommodation history, and departmental procedures. These plans aim to address functional limitations and remove or reduce barriers to access.
- 5.7. If the appropriate accommodation is a reduced course load, the accommodation will be provided within the criteria of the Tuition and Ancillary Fees Minister's Binding Policy Directive.
- 5.8. Students with current Durham College Access Plans will be required to confirm service needs each semester, noting that learning environments, student needs and accommodations may change.
- 5.9. Students are provided with copies of their Access Plans. With their consent, the ASC will share these plans with relevant College employees, when necessary.
- 5.10. The College may deny an accommodation if it poses a significant or substantial risk to the health or safety of the student or others in the College community. Accommodation can be provided by reasonable means that do not pose such risk or create undue hardship.
- 5.11. Where a student cannot be accommodated in accordance with these principles, or where a student is found incapable of performing the essential requirements of a course or program, the College may explore alternative courses or programs with the student.
- 5.12. Arrangements related to medical withdrawals and any associated fee refunds for students registered with ASC require approval from both the ASC and Enrolment Services.
- 5.13. If a student has a concern about an accommodation, they are responsible for raising their concern as soon as possible with their Accessibility Coach. The Accessibility Coach will meet with the student as soon as is reasonably possible to review their needs and Access Plan, and attempt to resolve the concern.
- 5.14. If the student's concern is not resolved within five business days from the date the Accessibility Coach was contacted, the student or the Accessibility Coach may refer the concern to the Director, ASC for review.
- 5.15. Within five business days of the referral, the Director, ASC or designate will review the matter, explore reasonable options, and communicate their decision to the student (Accommodation Decision).
- 5.16. If the student is still of the opinion that their Access Plan does not meet their needs after receiving the Accommodation Decision, they may initiate the dispute resolution process outlined in 5.17 – Dispute Resolution.

5.17. Dispute Resolution

- 5.17.1. A student may dispute an Accommodation Decision to the Dean, Students by filing a dispute application, within five business days of receipt of an Accommodation Decision. In extenuating circumstances, a dispute application filed after five business days may be considered.
- 5.17.2. The student may dispute the 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) Through no fault of the student, new evidence or documentation has been discovered that was not available at the time the Accommodation Decision was made, which now casts doubt on the correctness of the decision.
The student disputes that the Accommodation Decision provides them with reasonable accommodation of their medical needs.
- 5.17.3. To file a dispute application, the student shall submit an email to StudentAffairs@durhamcollege.ca including the following information:
- Student name, student number and date;
 - Program name and course name and code (if applicable);
 - A brief description of the Accommodation Decision being disputed; and
 - A concise explanation of the ground(s) for the dispute.
- 5.17.4. The Dean, Students is responsible for acknowledging receipt of the student's dispute application. The Dean will review the dispute application to assess its merit. The Dean's decision regarding the dispute application is typically communicated to the student within five business days.
- 5.17.5. If the Dean, Students determines that the dispute application has merit, based on the grounds outlined in section 5.17.2, the Dean, Students will notify the Associate Vice President, Academic (Administration), to initiate the dispute resolution process.
- 5.17.6. As part of the dispute resolution process, the Dean, Students and Associate Vice President, Academic (Administration) or their designate(s) will:

- Meet with the student, in-person or virtually, to provide an opportunity for the student to make submissions as to the reason(s) for the dispute;
- Identify and consult (with consent of the student) any additional parties who need to be consulted to make an informed decision;
- Meet with the Director, ASC and the Accessibility Coach, on behalf of the College, to respond to the student's submissions; and
- Provide the student with an opportunity to reply to and clarify any issues raised in the College's submissions.

5.17.7. Decisions will be made based on a standard of a balance of probabilities.

5.17.8. Upon speaking to the parties and reviewing all relevant available information, the Dean, Students and Associate Vice President, Academic (Administration) may determine that:

- a) The accommodation provided is reasonable in all of the relevant circumstances;
- b) The accommodation provided is not reasonable in all relevant circumstances, and the reasonable accommodation, as determined by the Dean, Students and Associate Vice President, Academic (Administration), must be implemented;
- c) There was a procedural error and the matter must be returned to the Director, ASC for reconsideration; or
- d) New information or recommendations from a recognized healthcare provider affect the appropriateness of the accommodation provided, requiring the matter to be returned to the Director, ASC for reconsideration.

5.17.9. The Dean, Students shall provide the student with a written decision within five business days following the conclusion of the dispute resolution meeting(s) in 5.17.6.

5.18. Retroactive Accommodations

5.18.1. The College has a duty to meaningfully consider all requests for retroactive accommodations.

5.18.2. The student's role is to:

- Communicate their needs and request for retroactive accommodation to the ASC in a timely way;

- Provide documentation to the ASC that indicates the functional impact of their disability/exceptionality as well as the timing and duration of the impact; and
- Co-operatively participate in the retroactive accommodation process to find and implement a solution.

5.18.3. The Director, ASC's role is to:

- Receive, review, and interpret relevant documentation received from the student;
- Determine if the request for retroactive accommodation ought to be granted; and
- Work collaboratively with Senior Academic Administrators in the relevant faculty office to review the case, suggest a path forward to address the request, considering all aspects of the individual case.

5.18.4. The Senior Academic Administrator's role is to:

- Collaborate with the Director, ASC to meaningfully consider the request;
- Meet with the relevant faculty to consider the request for and support the implementation of the retroactive accommodations while considering the essential requirements of the course and program; and
- Update the Director, ASC on the implementation of the accommodation.

5.18.5. The faculty member's role is to:

- Work with the Senior Academic Administrator to determine if a learning outcome can be met with the retroactive accommodations, recognizing that a learning outcome can be met in more than one manner;
- Work with the Senior Academic Administrator to implement the retroactive accommodation;
- Develop an alternate method of assessment to evaluate learning, if necessary; and
- Consult with the student, as required.

6. Accessibility for Ontarians with Disabilities Act considerations

This policy and procedure was developed to comply with Accessibility for Ontarians with Disabilities Act (AODA) standards. The College is committed to upholding the AODA standards as demonstrated by its Multi-Year Accessibility Plan.

7. Non-compliance implications

7.1. Non-compliance with provincial accessibility legislation may result in legal actions, reputational damage, human rights claims, or sanctions against the College.

8. Related forms, legislation or external resources

- ASC Medical Documentation Form
- ASC Service Animal Request Form
- ASC Student Information Form
- Accessibility for Ontarians with Disabilities Act
- Canadian Charter of Rights and Freedoms
- Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety and Insurance Act
- Ontario Human Rights Code
- Personal Health Information Protection Act (PHIPA)
- United Nations' Convention on the Rights of Persons with Disabilities