

<b>TYPE:</b>	Administrative
<b>TITLE:</b>	Accommodations for Students with Disabilities/Exceptionalities
<b>NO.:</b>	ADMIN-225
<b>RESPONSIBILITY:</b>	Chief Administrative Officer, Executive Vice-President, Academic + Dean, Students
<b>APPROVED BY:</b>	Durham College Leadership Team
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## 1. Introduction

Durham College is committed to upholding a student's right to individualized and timely [accommodation](#) which promotes 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](#) and [procedure](#) establish a framework to make learning accessible and to promote inclusion for students with [disabilities/exceptionalities](#) enrolled in or applying to academic programs at Durham College. It is meant to clarify the mandate, roles, and responsibilities of accommodations, and provide policy guidelines for all those involved in creating an accessible learning environment at the College.

## 3. Definitions

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

## 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.
- 4.1.2. The 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.
- 4.1.3. The accommodation process is collaborative, involving a shared responsibility among the student requesting the accommodation and the College.

- 4.1.4. Admissions assessments of students with disabilities/exceptionalities will be based on a current needs assessment and will not be influenced by expected future deterioration.
- 4.1.5. Students may receive [interim accommodations](#) for disabilities/exceptionalities in good faith pending receipt of medical documentation.
- 4.1.6. The College will accommodate students to the point of [undue hardship](#).
- 4.1.7. The College will accept requests for accommodation in good faith unless there are legitimate reasons for not doing so.
- 4.1.8. Students will be accommodated regardless of their prospects for success in their program(s) or for finding employment post-graduation.
- 4.1.9. 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.
- 4.1.10. The College may obtain expert advice or opinion where necessary for purposes of accommodation.
- 4.1.11. Students will be provided with assistance and accommodation on an individual basis through self-registration with the Access and Support Centre (ASC).
- 4.1.12. 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.
- 4.1.13. For course work, placements, or evaluations involving performance or demonstration of practical skills where the application of an accommodation may cause safety concerns, the College will assess the accommodation and the resulting risk to the student and others on an objective basis.
- 4.1.14. Students may appeal decisions regarding an accommodation.
- 4.1.15. The College will not be held responsible for costs incurred by a party who retains a paid advisor.
- 4.1.16. 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, 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 access to reasonable accommodation in the admission and selection process. Once an [applicant](#) has met a program's existing admissions criteria, no additional proofs 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 accommodations may register at any time during the academic year, however some accommodations provided by educational assistants, academic strategists, sign language interpreters and computerized note takers may be delayed due to lengthy implementation.
- 5.5. Documentation from a health professional describing functional limitations is required in order to develop a full accommodation plan. As such, students registering with the ASC will be asked to provide documentation related to a permanent or temporary disability/exceptionality. The health professional providing this documentation must be licensed from a regulated body and qualified to do so.
- 5.6. Individualized Access Plans are created by the Accessibility Coach and informed by the student's documentation, the student's history of provision with accommodation, and common service procedures of the department. The Accessibility Coach considers options for addressing the student's functional limitations to reduce or eliminate barriers. Accommodations cannot modify essential course or program requirements.
- 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. The student is provided with a copy of their Access Plan. With student consent, the ASC will provide a copy of the plan to relevant College [employees](#).

- 5.10. If the accommodation would result in a significant or substantial health or safety risk to the student, or other members of the College community, the College may deny the accommodation on the grounds of 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, alternative courses or programs may be explored with the student.
- 5.12. Any arrangements regarding medical withdrawals and/or issues related to possible fee refunds must be approved by the ASC and Enrolment Services.
- 5.13. If a student has a concern regarding 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 the Access Plan, and attempt to resolve the concern.
- 5.14. If the student's concern is not resolved within five (5) 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 (5) business days of the referral, the Director, ASC or designate will review the matter, explore reasonable options, and communicate the accommodation decision to the student.
- 5.16. If the student is still of the opinion that their Access Plan does not meet their needs, they may initiate an appeal to the Dean of Students within five (5) business days.
- 5.17. Appeals
  - 5.17.1. A student may appeal a College accommodation decision to the Dean of Students, within five (5) business days of receipt of an accommodation decision from the Director, ASC or designate. In extenuating circumstances, an appeal filed beyond the five (5) business day limitation may be considered.
  - 5.17.2. The student may appeal the accommodation decision on one or more of the following grounds:
    - There was a serious procedural or factual error, which was prejudicial to the student.
    - Through no fault of the student, new evidence or information not available at the time of the initial accommodation has been discovered, which casts doubt on the correctness of the decision.
    - The student disputes the accommodation decision provided them with the appropriate accommodation for their disability/exceptionality.

- 5.17.3. To initiate an appeal, the student will submit an email to the Dean of Students, including the following information:
- Student name, student number and date;
  - Program name and course code (if applicable);
  - A brief description of the accommodation decision being appealed; and
  - A brief statement of the grounds for the appeal.
- 5.17.4. Upon receipt of an appeal, the Dean of Students will acknowledge receipt of the appeal and review it to determine if the appeal has merit.
- 5.17.5. If there are grounds for the appeal, the Dean, of Students will notify the Associate Vice President, Academic (Administration).
- 5.17.6. The appeal process will be initiated within five (5) business days of receipt of the appeal.
- 5.17.7. The Dean of Students and Associate Vice President, Academic (Administration) will:
- Meet with the student and provide an opportunity for them to outline the reason for the appeal;
  - Clarify any issues raised and identify any additional parties who need to be consulted to make an informed decision;
  - Provide the Director, ASC and the Accessibility Coach with the opportunity to respond to the student's submissions; and
  - Provide the student with an opportunity to reply to the College's submissions.
- 5.17.8. Decisions will be made based on a standard of a balance of probabilities.
- 5.17.9. In determining whether the College's accommodation decision was appropriate, the Dean of Students and Associate Vice President, Academic (Administration) may determine:
- That the accommodation was reasonable in all of the relevant circumstances;
  - That the appropriate accommodation has 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 reconsideration; or

- That the new evidence/information impacts the appropriateness of the accommodation provided, and the matter must be returned to the Director, ASC for reconsideration.

5.17.10. The Dean of Students shall provide a written decision to the student who filed the appeal within five (5) business days of the meeting with the Associate Vice President, Academic (Administration).

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 to the ASC in a timely way;
- Provide documentation that indicates the functional impact of their disability/exceptionality as well as the timing and duration of the impact; and
- Participate actively 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 meets the requirements for meaningful consideration; and
- Work collaboratively with Senior Academic Administrators in the relevant school(s) 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 or designate to meaningfully consider the request;
- Meet with the relevant faculty and support the implementation of the retroactive accommodations while considering the essential requirements of the course and program; and
- Update the Director, ASC or designate on the implementation of the accommodation.

5.18.5. The Faculty's role is to:

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

## **6. Roles and responsibilities**

The effective and efficient implementation of an Access Plan is a shared responsibility.

- 6.1. The Dean of Students and Executive Vice President, Academic are responsible for overseeing and implementing the College's policies on accommodation.
- 6.2. Senior Academic Administrators are responsible for providing support to faculty upon request to ensure that accommodations are implemented effectively, appropriately, and in a timely manner.
- 6.3. The Director, ASC is responsible for resolving escalated accommodation concerns, including retroactive accommodations.
- 6.4. The Accessibility Coach is responsible for investigating all possible accommodation solutions while developing an Access Plan. The Accessibility Coach is responsible for obtaining student consent and communicating the Access Plan to relevant parties, for providing guidance in accommodation implementation upon request, and for engaging in collaborative problem-solving should issues arise. The Accessibility Coach is responsible for maintaining records of requested accommodations and the steps taken to provide them.
- 6.5. Faculty members are responsible for implementing accommodations in their learning environments as explained in the Access Plan, including submitting assessments to the Test Centre, highlighting any potential safety concerns, supporting retroactive accommodations, and seeking support from the ASC if questions arise.
- 6.6. Students are responsible for advising the College of a disability/exceptionality requiring accommodation and for providing sufficient information as to their needs, restrictions and/or limitations. The student is responsible for responding to requests for information made by the College relevant to their accommodation. The student is responsible for working with the College on an ongoing basis to assess, manage and update accommodations. The student is responsible for fulfilling course outcomes and booking their assessment times with the Test Centre when needed.

## **7. Accessibility for Ontarians with Disabilities Act considerations**

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

## **8. Non-compliance implications**

8.1. The Ontario government established an administrative monetary penalties scheme under AODA 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.

8.2. Failure to comply with applicable federal and provincial legislation may lead to legal costs arising from potential lawsuits for non-compliance. i.e. reputational and Ontario Human Rights challenges, or potential legal or other sanctions against the College.

## **9. Related forms, legislation or external resources**

- ASC Student Information Form
- ASC Medical Documentation 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
- United Nations' Convention on the Rights of Persons with Disabilities