

TYPE:	Administrative
TITLE:	Accessibility and Notice of Service Disruption
NO.:	ADMIN-203
RESPONSIBILITY:	Chief Administrative Officer and Vice-President, Student Affairs
APPROVED BY:	Durham College Leadership Team
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1. 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 endeavors with the institution. Durham College recognizes that an inclusive campus includes successful academic and employment outcomes and is the result of shared responsibility and commitment on the part of students, employees, faculty and administrative staff. Durham College is committed to treating all people in a manner that allows them to maintain their dignity and independence, and it is committed to meeting the needs of people with disabilities in a timely manner.

2. Purpose

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

3. Definitions

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

4. Policy statements

4.1. 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. Part 1, Section 1 of the Code states: "Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance".

R.S.O. 1990, c. H.19, s. 2 (1); 1999, c. 6, s. 28 (2); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (2); 2012, c. 7, s. 2 (1).

4.2. Flexibility

Consideration for the individual and safety of all members of the campus community will prevail. Employees will operate with flexibility on matters regarding accessibility.

4.3. 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 and employee requests for accommodation. For this reason, students are required to provide information concerning the nature of their disability, their needs and restrictions to the Access and Support Centre (ASC). At times the accommodation process may require that a student disclose such information to employees, beyond the ASC, on the basis that they “need-to-know” this information for the purposes of accommodation. All personal information disclosed to such employees shall be governed by the Durham College Guidelines on Access to Information and Protection of Privacy.

Employees who require accommodation will provide information regarding their needs/restrictions to Human Resources and may be required to provide information regarding the nature of their disabilities, upon request.

4.4. Duty to Provide Evidence of Need for Accommodation

It is recognized that there is a duty on the student or employee to disclose and provide relevant and recent documentation that substantiates the disability and need for accommodation. Where the need for accommodation is related to a student’s need for academic accommodations, the accommodation will be identified and implemented under the Accommodations for Students with Disabilities Policy ADMIN 225.

Employees are required to work with Human Resources and complete an Individual Accommodation Plan (IAP) so that recommended workplace accommodations can be provided.

4.5. Duty to Accommodate

All students and employees with disabilities requiring accommodation will be accommodated to the point of undue hardship.

4.6. Dispute Resolution

Where an employee or student has concerns about the accommodation process, they can access the applicable dispute resolution procedure by referring to the Medical Leave, Return to Work and Accommodations procedure (EMPL 320.1) and the Accommodation for Students with Disabilities policy and procedure (ADMIN 225 and 225.1) respectively.

5. Procedure

5.1. A notice of service disruption (temporary, planned or unplanned) will include the following:

- 5.1.1. Reason for the disruption;
- 5.1.2. Anticipated duration of the disruption;
- 5.1.3. A description of alternate facilities or services, if any; and
- 5.1.4. Appropriate contact information.
- 5.1.5. If applicable, include definitions of commonly used terms. Again, some duplication with the policy may be appropriate so that the reader does not have to go back and forth between the policy and procedure. The format is as follows

5.2. Notice of temporary service disruption

- 5.2.1. In the case of a temporary service disruption, staff, faculty, students and the public will be notified of this disruption in the following ways
- A notice will be placed at all campus main reception desks and/or in a visible location at the main entrances of all buildings on campus; and
 - A message will be posted on the college website at the following link: [Notice of Service Disruption](#)

5.3. Notice of planned service disruption

- 5.3.1. In the event of a planned service disruption (e.g. elevator repair, renovations, closure or limited access to a building, department or area- specific facility, and/or technology (malfunction), the College will provide the public with reasonable notice of any such disruption. Reasonable notice is defined as at least 10 business days, or as soon as possible if, due to unforeseen circumstances 10 days' notice is not possible.

- 5.3.2. It is the responsibility of the department or school affected by, or responsible for the disruption to notify the Service Desk and the Communications and Marketing department, which will be responsible for posting the notice to the appropriate areas and ensuring the effective communication of this disruption to the public and customers of Durham College.
- 5.4. Notice of unplanned service disruption
 - 5.4.1. Due to unforeseen circumstances, unplanned or unexpected service disruptions may occur. The College will endeavor to provide the public and/or customers with notice of such disruptions as soon as possible.
 - 5.4.2. In the case of unexpected service disruptions, it is the responsibility of the department or school affected by, or responsible for the disruption to notify the Service Desk and the Communications and Marketing department, which will be responsible for posting the notice to the appropriate areas and ensuring the effective communication of this disruption to the public and customers of Durham College.

6. Roles and responsibilities

- 6.1. It is the responsibility of the chief administrative officer to ensure this policy is fully implemented and the chief administrative officer provides a leadership role in the development and implementation of the Employment standards of the Integrated Accessibility Standards Regulation.
- 6.2. 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.
- 6.3. The vice-president, Academic provides a leadership role in the development and implementation of the Accessibility Standard for Information and Communications of the Integrated Accessibility Standards Regulation.
- 6.4. It is the responsibility of Facilities to take the necessary steps to ensure the cause of the disruption is investigated and the necessary steps taken to rectify the disruption, communicate to the appropriate parties once the disruption is rectified, or to communicate any updates or delays in a timely matter.
- 6.5. It is the responsibility of Communications and Marketing to ensure timely and effective communications are developed and in place for service disruptions.
- 6.6. All members of Durham College Leadership Team are responsible for fostering and championing an accessible environment.
- 6.7. All College employees have responsibility for adhering to the College policies and procedures to ensure the ongoing development of an accessible, open and supportive learning environment.

7. Accessibility for Ontarians with Disabilities Act considerations

The *Accessibility for Ontarians with Disabilities Act* (AODA), has been considered in the review of this policy and procedure. Durham College is committed to meeting accessibility requirements under the AODA and to implementing actions to achieve accessibility as set out in its multi-year accessibility plan.

8. 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 \$2,000 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.

9. Communications plan

- A message will be posted on ICE alerting employees when new or revised policies and procedures are added to ICE.
- A message will be posted on MyCampus alerting students when new or revised policies and procedures are added.

10. Related forms, legislation or external resources

- Accessibility for Ontarians with Disabilities Act 2005
- Accessibility Standards for Customer Service, O. Reg. 429/07
- Canadian Charter of Rights and Freedoms 1982
- 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
- Personal Health Information Protection Act (PHIPA) 2004. S.O. 2004, c.3, Schedule A