

TYPE:	Administrative
TITLE:	Implementation of the Integrated Accessibility Standards Regulation: Information and Communication Standard, Employment Standard, Transportation Standard, and Design of Public Spaces Standard
NO.:	ADMIN-250
RESPONSIBILITY:	Chief-Administrative Officer, Vice-President, Student Affairs
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	February 2018
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1. Introduction

Under the *Accessibility for Ontarians with Disabilities Act (AODA), 2005* all public and private sector organizations must meet the requirements of accessibility standards. The Integrated Accessibility Standards Regulation within the AODA includes standards on Employment, Information and Communication, Transportation and Design of Public Spaces. The Integrated Standards Regulation is designed to streamline, align and phase-in accessibility requirements. The long-term goal of this legislation is to achieve a barrier-free Ontario by 2025. The Integrated Accessibility Standards came into effect July 1, 2011.

Durham College is committed to and guided by the four core principles of dignity, independence, integration and equal opportunity and supports the full inclusion of persons as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. Durham College is committed to using every effort to ensure that it meets the needs of people with disabilities, in a timely manner, through the implementation of this policy.

2. Purpose

This policy is in accordance with the *Integrated Accessibility Standards Regulation 191/11* under the AODA. Durham College achieves accessibility through meeting the Regulation's requirements. The policy provides the overall direction that Durham College will follow to provide accessibility supports to Ontarians with disabilities.

The requirements of the Regulation include:

- 2.1. Establishment, implementation, maintenance and documentation of a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirement under the regulation.

- 2.2. Incorporation of accessibility criteria and features when procuring or acquiring goods, services, or facilities.
- 2.3. Training.
- 2.4. Other specific requirements under the Information and Communication, Employment, Transportation and Public Spaces Standards.

3. Definitions

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

4. Policy statements

4.1. General Provisions

4.1.1. Multi-Year Accessibility Plan

Durham College's Multi-Year Accessibility Plan outlines a phased-in strategy to prevent and remove barriers and addresses the current and future requirements of the AODA. Durham College will report annually on the progress and implementation of the plan, post the information on our website and will provide it in alternative formats upon request. The plan will be reviewed and updated in consultation with persons with disabilities and the Accessibility Coordinating Committee at least once every five years.

4.1.2. Procuring or Acquiring Goods, Services or Facilities

Durham College will use accessibility design, criteria and features when procuring or acquiring goods, services facilities or self-service kiosks, except where it is not practical to do so (in which case, if requested an explanation will be provided).

4.1.3. Training

Durham College will ensure that training is provided to all employees, agents, volunteers, all persons who participate in developing Durham College's policies, and all other persons who provide goods, services or facilities on behalf of Durham College, on the requirements of the accessibility standards referred to in the regulation and in *The Ontario Human Rights Code* as it pertains to persons with disabilities. Training will be appropriate to the duties of the individuals being trained, and it will be provided as soon as practicable. Training will be provided on an ongoing basis with respect to any changes to this policy or the requirements. The College shall maintain a record of the dates when training is provided and the number of individuals to whom it was provided.

4.2. Information and Communication Standard

Durham College is committed to providing and receiving information and communications in ways that are accessible to people with disabilities.

If Durham College determines that it is not technically feasible to convert the information or communications or the technology to convert the information or communication is not readily available, Durham College will provide the person that requires the information with:

- a) An explanation as to why the information or communications are unconvertible; and,
- b) A summary of the unconvertible information or communications.

4.2.1. Emergency Information

All emergency procedures, plans or public safety information that are made available to the public, will be provided in accessible formats or with appropriate communication supports, upon request.

4.2.2. Feedback

Durham College has processes in place for receiving and responding to feedback and will ensure that those processes are provided in accessible formats and with communication supports, upon request. The public will be notified about the availability of accessible formats and communication supports.

4.2.3. Accessible Formats and Communications Supports

Durham College will provide or arrange for accessible formats and communication supports for all persons with disabilities/:

- a) Upon request in a timely manner that takes into account a person's accessibility needs due to a disability
- b) At a cost that is no more than the regular cost charged to other persons
- c) Consult with the person making the request and determine suitability of an accessible format or communication support; and
- d) Notify the public about the availability of accessible formats and communication supports.

4.2.4. Website Accessibility

Durham College will ensure the website and web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 initially at Level A and increasingly to Level AA. Effective January 1, 2014, any New Website or new web content will conform with WCAG 2.0 Level A. By January 1, 2021, all College websites and web content will conform with WCAG 2.0 Level AA, with limited exceptions.

4.2.5. Education, Training and Materials

Durham College will provide educational and training materials (where possible), student records, and program information (including requirements, availability and descriptions), in accessible formats upon request. Each request is considered based on the accessibility needs of the individual making the request. Durham College will provide educational or training materials in an accessible format taking into account the accessibility needs of a person with a disability to whom the information is being provided either by purchasing or obtaining an accessible or conversion ready electronic format, or arranging for a comparable resource in an accessible or conversion ready format, if educational or training resources or materials cannot be procured, obtained by other means, or converted into an accessible format. Durham College will provide educators with accessibility awareness training related to accessible program or course delivery and instruction. Durham College will keep records of training including dates and number of individuals trained.

The Durham College library provides, procures or acquires by other means, an accessible or conversion ready format of print and will provide digital or multimedia resources or materials by January 1, 2020 for any person with a disability, upon request, with the exception of special collections, archival materials, rare books and donations.

4.3. Employment Standard

The Employment Standard builds upon the existing requirements under the *Ontario Human Rights Code* in relation to how to accommodate employees and job applicants with disabilities throughout the job application process and the employment relationship. It applies in respect to employees and does not apply to volunteers and other non-paid individuals.

The requirements of the Employment Standard were enacted by Durham College on January 1, 2014 unless otherwise specified.

4.3.1. Recruitment

Durham College will notify employees and the public about the availability of accommodations for applicants with disabilities.

During the recruitment process when job applicants are individually selected to participate in an assessment or selection process, Durham College will notify applicants that accommodations are available upon request in respect of materials or processes to be used.

If a selected applicant requests an accommodation, Durham College will consult with the applicant and provide or arrange for the provision of a suitable accommodation that takes into account the applicant's disability.

Durham College will notify successful applicants of the policies for supporting and accommodating employees with disabilities.

4.3.2. Employee Notification

Durham College will inform its employees of policies used to support its employees with disabilities, including but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to a disability:

- a) To new employees as soon as practicable after they begin their employment; and,
- b) Whenever there is a change to existing policies on the provision of job accommodations that take into account an employee's accessibility needs due to a disability.

4.3.3. Accessible Formats

Where an employee with a disability requests accessible formats or communication supports, Durham College will consult with the employee to provide or arrange for the provision of accessible formats and communication supports for:

- a) Information that is needed in order to perform the employee's job;
- b) Information that is generally available to employees in the workplace; and,
- c) Durham College will consult with the employee making the request in determining the suitability of an accessible format or communication support.

4.3.4. Individual Accommodation Plan (IAP)

Durham College will have in place a written process for developing a documented individual accommodation plan for employees with a disability. The process will include:

- a) The employee's participation in the development of the IAP
- b) The means for assessment on an individual basis;
- c) Identification of accommodations to be provided
- d) Timelines for the provision of accommodations
- e) The manner in which Durham College may request an evaluation by an outside medical or other expert, at its own expense, to assist with determining the accommodation and how to achieve accommodation
- f) How employees may request the participation of a union representative in these discussions, where the employee is represented by a union
- g) Steps taken to protect the privacy of the employee's personal information
- h) Frequency with which the IAP will be reviewed and updated and the manner in which it will be done
- i) If an IAP is denied, the reasons for denial are to be provided to the employee
- j) Means of providing the IAP in a format that takes into account the employee's accessibility needs
- k) If requested, any information regarding accessible formats and communication supports provided
- l) Individualized workplace emergency response information
- m) Identification of any other accommodation that is to be provided

4.3.5. Return to Work

A return to work process for employees who have been absent from work due to a disability is in place for employees who require disability-related accommodation in order to return to work. (See Medical Leave, Return to Work and Accommodations Policy and Procedure EMPL-320) The process outlines the steps Durham College will take to facilitate the return to work of employees who were absent from work due to their disability and it uses IAPs.

4.3.6. Performance Management, Career Development/Advancement, and Redeployment

Durham College will consider the accessibility needs and individual accommodation plans of employees when:

- a) Using Durham College's performance management system
- b) Providing career development and advancement
- c) Using redeployment procedures

4.3.7. Workplace Emergency Response Information

Durham College will provide individualized workplace emergency response information to employees who have a disability:

- a) If the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability
- b) If the employee who receives an individual workplace emergency response information requires assistance, and with the employee's consent, Durham College will provide the workplace emergency information to the person designated by Durham College to provide assistance to the employee
- c) As soon as practicable after becoming aware of the need for accommodation due to the employee's disability
- d) Durham College will review the individualized workplace emergency response information when the employee moves to a different location in the organization, when overall accommodation needs or plans are reviewed and when the employer reviews its general emergency response policies

4.4. Transportation Standard

While Durham College is not primarily in the business of transportation, the College does periodically provide or arrange for transportation services for College related functions. Accessible transportation or equivalent services is provided (upon request) for persons with disabilities, and is provided at no additional cost. Individuals must contact an event's coordinator to request this accommodation.

4.5. Design of Public Spaces Standard

Durham College shall incorporate accessibility into public spaces that are newly constructed or redeveloped on and after January 1, 2016. The College will ensure that existing requirements stated under the Design of Public Spaces Standards (Accessibility Standards for the Built Environment) are followed for recreational trails, outdoor public use eating areas, exterior paths of travel, accessible parking, and service related elements. When developing recreational trails the College shall consult with the public and persons with disabilities. Durham College shall also provide maintenance and restoration of public spaces, where applicable, by ensuring the college multi-year accessibility plan includes procedures for preventative and emergency maintenance of accessible elements in public spaces and procedures for dealing with temporary disruptions when accessible elements required under this section are not in working order.

5. Procedure

This section is not applicable.

6. Roles and Responsibilities

- 6.1. 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.
- 6.2. 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
- 6.3. The chief administrative officer, Administration provides a leadership role in the development and implementation of the Employment standards of the Integrated Accessibility Standards Regulation.
- 6.4. All members of Durham College Leadership Team are responsible for fostering and championing an accessible environment.
- 6.5. All College employees have responsibility for ensuring the ongoing development of an accessible, open and supportive learning environment.

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

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.

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 S.O. 2005*
- *Accessibility Standards for Customer Service, O.Reg. 429/07*
- Canadian Charter of Rights and Freedoms, 1982
- Durham College Multi-year Accessibility Plan
- *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*
- World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0