

ACADEMIC COUNCIL REPORT

SESSION:

Public
Non-Public

ACTION REQUESTED:

Decision
Consultation
Information

TO: Academic Council

DATE: October 22, 2019

FROM: Sehrish Saeedi, Policy and Compliance Advisor
Heather Leckey, Manager, Student Accessibility, Student Life
Beth Partlow,

SUBJECT:

1. ACCESSIBILITY POLICY
 2. PROCEDURES FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES
 3. PROCEDURES FOR ACCOMMODATING STUDENTS WITH DISABILITIES
-

ACADEMIC COUNCIL MANDATE:

- Under the Policy Framework, Policy Owners must consult with Academic Council before presenting draft policy instruments to the approval authority for approval.
- We are seeking Academic Council's feedback on the draft directives before they are presented to the relevant Approval Authority.

BACKGROUND/CONTEXT & RATIONALE:

- The directorate, who enforces *Accessibility for Ontarians with Disabilities Act* (AODA) accessibility compliance requirements, requires organizations to submit accessibility compliance reports. The report is a self-assessment of the organizations' status with all provincial accessibility requirements.
- The Office of University Secretary and General Counsel (USGC) is currently working towards completing 2019 AODA Compliance Report with a deadline December 2019.
- As part of this requirement, USGC is revising the existing Accessibility policy and associated procedures for accommodating students and employees at the University.

CONSULTATION:**List of Consultation Dates:**

- Online Consultation, October 8 to 28, 2019
- Policy Advisory Committee, October 15, 2019
- Administrative Leadership Team, October 16, 2019 – in person consultation

- Audit & Finance Committee, November 20 - Deliberation
- Board of Governors, November 28 - Approval

Comments received and response:

General (all policy instruments)

- Ensuring Definitions section is updated to reflect the terms defined in associated legislation; ensure policy and procedures use same definitions.

Accessibility policy

- Policy Owner changed to University Secretary and General Counsel (USGC) office.

Procedures for Accommodating Employees with disabilities

- Add mention of privacy and confidentiality of information shared during accommodation process
- Add mention of timing relating to responding to accommodation requests.
- Greater clarity on point that all medical documentation must be submitted directly to disability management service provider.

Procedures for Accommodating Students with disabilities

- Define “essential requirements”

IMPLICATIONS:

- In order to demonstrate the University’s compliance with AODA standards, the University’s Accessibility policies and procedures must be reviewed and revised.

COMPLIANCE WITH POLICY/LEGISLATION:

- *Human Rights Code*, R.S.O. 1990, c. H.19
- *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005
- *Accessibility Standards for Customer Service*, O. Reg. 429/07
- *Integrated Accessibility Standards Regulation*, O. Reg. 191/11

HOW TO COMMENT:

- Academic Council members can provide written comments by email to policy@uoit.ca. Comments will be shared with the relevant Policy Owner for consideration.
- The comment period will be open until 3:00 pm on October 28, 2019.

NEXT STEPS:

- Academic Council members can provide written comments by email to policy@uoit.ca.
- A summary of comments on each instrument will be provided to the relevant deliberative body and approval authority. A full list of consultation and approval for each instrument is attached.
- The proposed policy instruments will be presented to the relevant Approval Authority.

SUPPORTING REFERENCE MATERIALS:

- Accessibility policy
- Procedures for accommodating employees with disabilities
- Procedures for accommodating students with disabilities



Classification	LCG 1103
Framework Category	Legal, Compliance & Governance
Approving Authority	Board of Governors
Policy Owner	University Secretary
Approval Date	DRAFT-for review
Review Date	DRAFT September 2019
Supersedes	Accessibility Policy, June 2010

ACCESSIBILITY POLICY

1. PURPOSE

This policy affirms the OntarioTech University's commitment to promoting an accessible environment for work, study and in an effort to meet the requirements as set out in the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act (AODA)* and associated regulations.

2. DEFINITIONS

For the purposes of this Policy the following definitions apply:

"Accessible Formats" may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.

"Accommodation" means an adaptation or adjustment made to enable a person with a disability to perform the essential duties of their position or fulfill the essential requirements of a particular course and/or program. The requirement, qualification or factor must be reasonable and bona-fide in the circumstances.

Accommodation may include, but is not limited to:

- Human support services such as sign language interpreters, readers, etc.
- Technical aids and assistive devices
- Workstation and/or office modifications
- Job redesign
- Flexible or alternative work schedules
- Temporary re-assignments

~~"Accommodation" means an adaptation or adjustment made to enable a person with a disability to perform the essential duties or requirements of the position. The requirement, qualification or factor must be reasonable and bona-fide in the circumstances. Accommodation may include, but is not limited to:~~

- ~~• Human support services such as sign language interpreters, readers, etc.~~
- ~~• Technical aids and assistive devices~~
- ~~• Workstation and/or office modifications~~
- ~~• Job redesign~~
- ~~• Flexible or alternative work schedules~~
- ~~• Temporary re-assignments~~

"Barrier" means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

"Communication Supports" may include, but are not limited to, captioning, alternative

and augmentative Communication Supports, plain language, sign language and other supports that facilitate effective communications.

“Disability” means:

- a) 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, including diabetes mellitus, epilepsy, and any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, or physical reliance on a guide dog or on a wheel chair or other remedial appliance or device;
- b) A condition of mental impairment or developmental Disability;
- c) A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- d) A mental disorder; or
- e) An injury or disability for which benefits were claimed or received under the *Workplace Safety and Insurance Act*.

“Disability” should be interpreted in broad terms. It includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability.

“Disability” covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time.

There are physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, mental health disabilities and addictions, environmental sensitivities, and other conditions.

Disability is an evolving concept; a disability may be the result of combinations of impairments and environmental barriers, such as attitudinal barriers, inaccessible information, an inaccessible built environment or other barriers that affect people’s full participation in society.

“Employee” means all paid full and part-time staff, temporary, seasonal, contract, faculty, student employees at Ontario Tech.

“Essential Duties” means the vital or indispensable aspects of a job.

“Essential Requirements” means the knowledge and skills that must be acquired or demonstrated in order for a student to successfully meet the learning objectives of a particular course and/or program.

~~“Human Resources Leader” means the person below the President, with responsibility for the Human Resources portfolio.~~

“Undue Hardship” as defined in the *Ontario Human Rights Code* prescribes three

considerations in assessing whether an accommodation could cause undue hardship: Cost; Outside Sources of Funding; and Health and Safety Considerations. Additional information is available on the Ontario Human Rights Commission website (URL: www.ohrc.on.ca).

3. POLICY

OntarioTech University is committed to creating a campus community that is inclusive of all individuals and ensures equal opportunity among its members to achieve success in their academic and/or employment endeavours. The university recognizes that successful learning and employment outcomes are the result of a shared responsibility and commitment on the part of students, faculty and staff, and expects that all members of the community will advance the ongoing development of an environment that is accessible and inclusive, while actively working to identify, remove and prevent barriers to persons with disabilities up to the point of undue hardship.

To that end, OntarioTech University is committed to achieving the following accessibility goals as required by the *Accessibility for Ontarians with Disabilities Act (AODA)* and associated regulations:

- a) **Access to Goods and Services:** Providing access to goods and services in a manner that respects the dignity and independence of persons with disabilities, integrated to the extent possible with services provided to others, and offered in a way that gives persons with disabilities an opportunity to benefit from these services that is equal to service that is given to others. For further information please refer to the University's Accessible Customer Service Policy.
- b) **Information and Communications:** Providing university information and communications to persons with disabilities upon request in Accessible Formats, or with communications supports, in a timely manner that takes into account their accessibility needs, at a cost that is no more than the cost to other persons, and in consultation with the person making the request to determine its suitability.
- c) **Websites and Web Content:** Ensuring that the internet websites that are accessible to the public, and the web content on those sites, conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 in accordance with the AODA standards.
- d) **Educational Resources:** Providing educational or training resources offered by the university to persons with disabilities in an accessible format that takes into account their accessibility needs, where notification of need is given.
- e) **Individualized Accommodations:** For students with disabilities, the university provides reasonable academic accommodations in accordance with the University's Procedures on Academic Accommodation for Students with

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Disabilities. For employees with disabilities, the university provides individualized accommodation in accordance with the Procedures for Accommodation for Employees with Disabilities. Each person with a disability will be considered individually, on a case-by-case basis and every attempt will be made to provide disability-related accommodation up to the point of undue hardship.

- f) **Library Resources:** Providing, procuring or acquiring by other means upon request print, digital or multimedia resources or materials in an accessible or conversion ready format for a person with a Disability.
- g) **Public Information:** Making emergency procedures, plans and public safety information available to the public and upon request providing that information in an accessible format or with appropriate Communication Supports.
- h) **Accessibility Training:** Requiring the completion of accessibility training for all employees, volunteers and others who deal with members of the public or other third parties and every person who participates in developing the policies, practices and procedures governing the provision of goods or services to members of the public or other third parties. For further information please refer to the University's Accessible Customer Service Policy.
- i) **Education and Awareness:** Providing educational programs to employees appropriate to their duties that support the goals of the AODA and the *Human Rights Code* as it pertains to persons with disabilities, including accessible program or course delivery and instruction.
- j) **Procurement:** Incorporating accessibility criteria and features when procuring or acquiring goods, services and facilities. For more information, please refer to the University's Procurement of Goods and Services Policy, Procedures and Guidelines.
- k) **Transportation:** Providing accessible vehicles or equivalent services upon request where transportation services are provided.
- l) **Accessibility Plan:** Establishing and implementing a multi-year accessibility plan that outlines OntarioTech University's strategy to prevent and remove barriers to meet the requirements of the AODA regulations within the specified timelines. In developing the plan, the university will broadly consult with members of the university community, including persons with disabilities. The plan will be posted on the university website. The university's progress in achieving its goals will be monitored and documented on an annual basis, and reviewed and updated every five years
- m) **Feedback process:** Encouraging individuals to provide feedback to the university on its efforts to meet goods and service delivery expectations while responding to the requests of individuals with disabilities. Feedback about this Policy or its implementation can be submitted by telephone, in person, in writing or in electronic format (*See the Feedback Accessibility Form*).

The Office of the University Secretary and General Counsel (USGC) is responsible for tracking and monitoring all feedback, relaying any comments/concerns to the respective departments and detailing resulting actions, as applicable.

The University will ensure the feedback process is accessible to persons with disabilities by providing, or arranging for the provision of, accessible formats and communication supports, on request.

Note: For policy or legislative inquiries, please contact aoda@ontariotechu.ca

Privacy will be respected and all feedback will be reviewed for possible action that can be taken to improve University services. Feedback received will be redirected to the appropriate contact person within the relevant unit of the University, as appropriate.

- n) Where possible, complaints will be addressed immediately. However, some complaints may require more effort to address, and must be reviewed for action, possibly involving a number of elements within the University. Every effort will be made to provide the acknowledgement of feedback in a timely and effective manner. The acknowledgement will indicate how the matter will be addressed and when the individual will be notified of the outcome. The University will follow up on any actions arising from the feedback and the timeframe for implementation will be provided as part of the notification of outcome. Feedback/responses will be in a format that is accessible to the individual.
- o) **Accessibility Working Group:** Establishing and supporting a working group to monitor the university's progress in achieving the goals set out in the multi-year accessibility plan and to identify and recommend changes to remove or prevent barriers to persons with disabilities.
- p) **Policies, Procedures and Communication Methods:** Reviewing the university's policies, procedures and methods of communication on a regular basis to ensure that they continue to take into account the needs of persons with disabilities.

4. SCOPE AND AUTHORITY

This policy applies to all members of the OntarioTech University community, including students, faculty, staff, volunteers, governors, contractors, consultants and visitors to the campus who share in the responsibility to foster an environment that is accessible and inclusive, and to identify, remove and prevent barriers to persons with disabilities. Unit heads are additionally responsible for providing support, guidance and education while ensuring compliance with this policy.

The Office of University Secretary and General Counsel ~~The Human Resources Leader~~ or ~~successor thereof~~, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

The Office of University Secretary and General Counsel is responsible for the interpretation and administrative direction of this policy and its associated policies and procedures to ensure their compliance with the broader regulatory requirements.

5. PROCEDURES

The University will continue to review and develop policies, procedures and regulations to promote the ongoing creation of an accessible environment for work and study and to meet the requirements as set out in the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act (AODA)* and associated regulations.

6. MONITORING AND REVIEW

These Procedures will be reviewed as necessary and at least every three years. The Provost and Vice-President Academic, or successor thereof, is responsible to monitor and review these Procedures.

7. RELEVANT LEGISLATION

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005
Human Rights Code, R.S.O. 1990, c. H.19
Integrated Accessibility Standards Regulation, O. Reg. 191/11

8. RELATED POLICIES, PROCEDURES AND RESOURCES

OntarioTech Feedback Accessibility Form
OntarioTech University Academic Accommodations for Students with Disabilities Procedures
OntarioTech University Procedures for Accommodation of Employees with Disabilities
OntarioTech University Accessible Customer Service Policy
OntarioTech University Procurement Policy and Procedures



FEEDBACK ACCESSIBILITY FORM

For any feedback regarding the accessibility of OntarioTech's goods and services, including documents and accessible format requests, please complete the form below.

Note: If you wish to be contacted, please enter your name and contact information.

Name:

Email or Phone Number:

Affiliation with OntarioTech University:

- Student
- Staff
- Faculty
- Alumni
- Visitor

Please give us your feedback or comments:

Ontario Tech University protects your privacy and your personal information. Your personal information will not be shared with any other parties or used for any other purpose than for communicating with you regarding the comments or concerns that you have raised. We will make all every reasonable efforts to address concerns or complaints immediately.

SUBMIT

HELP

If you are experiencing difficulties completing this form, please submit your feedback using the following alternative methods:

- via email to aoda@ontariotechu.ca;
- by telephone at 905.721.2000 ext. 6752 (Shay Babb, Copyright & Compliance Officer)
- by mail to 2000 Simcoe Street North, Oshawa, Ontario L1G 0C5, Canada
- in person to 61 Charles Street, Oshawa, Ontario L1H 4X8, 3rd floor, DTA 343.

DRAFT



Classification Number	LCG 1103.01
Parent Policy	Accessibility Policy
Framework Category	
Approving Authority	
Policy Owner	
Approval Date	DRAFT-for review
Review Date	DRAFT-September 2019
Supersedes	

PROCEDURES FOR ACCOMMODATING EMPLOYEES AND JOB APPLICANTS WITH DISABILITIES

PURPOSE

1. The purpose of these Procedures is to provide straightforward, transparent guidance and standards in the application of the *Accessibility Policy* for students, Employees and job applicants with disabilities.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

Statutory Definitions: Statutory definitions, as set out in the Ontario Human Rights Code, R.S.O. 1990, Chapter H.19

(URL: www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm#BK12)

Non-Statutory Definitions

“Accommodation” means an adaptation or adjustment made to enable a person with a disability to perform the essential duties of their position or fulfill the essential requirements of a particular course and/or program. The requirement, qualification or factor must be reasonable and bona-fide in the circumstances. Accommodation may include, but is not limited to:

- Human support services such as sign language interpreters, readers, etc.
- Technical aids and assistive devices
- Workstation and/or office modifications/relocation
- Job redesign
- Flexible or alternative work schedules
- Temporary re-assignments of tasks/positions

~~“Accommodation” means an adaptation or adjustment made to enable a person with a disability to perform the essential duties or requirements of the position. The requirement, qualification or factor must be reasonable and bona-fide in the circumstances. Accommodation may include, but is not limited to:~~

- ~~• Human support services such as sign language interpreters, readers, etc.~~
- ~~• Technical aids and assistive devices~~
- ~~• Workstation and/or office modifications~~
- ~~• Job redesign~~
- ~~• Flexible or alternative work schedules~~
- ~~• Temporary re-assignments~~

“Barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

“Communication Supports” may include, but are not limited to, captioning, alternative and augmentative Communication Supports, plain language, sign language and other supports that facilitate effective communications.

“Disability” means:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, 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;
- a condition of mental impairment or a development disability;
- a learning disability, or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

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“Disability” should be interpreted in broad terms. It includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability.

“Disability” covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time.

There are physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, mental health disabilities and addictions, environmental sensitivities, and other conditions.

Disability is an evolving concept; a disability may be the result of combinations of impairments and environmental barriers, such as attitudinal barriers, inaccessible information, an inaccessible built environment or other barriers that affect people’s full participation in society.

“Employee” means all paid full and part-time staff, temporary, seasonal, contract, faculty, student Employees at Ontario Tech.

“Essential Duties” means the vital or indispensable aspects of a job.

“Essential Requirements” means the knowledge and skills that must be acquired or demonstrated in order for a student to successfully meet the learning objectives of a particular course and/or program.

“Human Resources Leader” means the person below the President, with responsibility for the Human Resources portfolio.

“Manager” means an individual who has full supervisory responsibility for an Employee, or is responsible for making hiring decisions. ~~This may include executives, chairs, directors, deans, and managers as applicable.~~

“Undue Hardship” as defined in The Ontario Human Rights Code prescribes three considerations in assessing whether an accommodation could cause undue hardship: Cost; Outside Sources of Funding; and Health and Safety Considerations. Additional information is available on the Ontario Human Rights Commission website (URL: www.ohrc.on.ca).

SCOPE AND AUTHORITY

3. These Procedures apply to any University Employee with a ~~disability~~ Disability (i.e. full-time, part-time, temporary, seasonal, contract, faculty, student Employees), volunteers and job applicants that may require ~~accommodation~~ Accommodation during the selection process at OntarioTech.
4. The Human Resources Leader, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.
5. The Office of the University Secretary and General Counsel (USGC) is responsible for the interpretation and administrative direction of this policy and its associated policies and procedures to ensure their compliance with the broader regulatory requirements

PROCEDURES

6. Employees

- 6.1. The need for ~~accommodation~~ Accommodation is identified by an Employee at the earliest possible opportunity. While a request for ~~accommodation~~ Accommodation is generally raised by an Employee, it is also recognized that a Manager, health care provider, union representative, or other source may raise an ~~accommodation~~ Accommodation issue.

6.2. OntarioTech is committed to protecting the privacy of Employees with disabilities. At the same time, sufficient information is required to reasonably evaluate and respond to submit the necessary medical documentation and forms to the University’s Disability management provider for assessment. The Disability management service provider will review the medical information submitted and communicate to the Human Resources (HR) representative the employee’s

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functions and limitations. Once the disability-related needs are confirmed with the Disability management service provider, the HR representative will work with the Employee and the Manager to facilitate the Accommodation request.

Any personal information disclosed during the accommodation process will be treated confidentially, and shared only as needed (upon obtaining consent of the Employee with the disability).

6.3. In order to determine ~~accommodation~~Accommodation needs, the Employee is expected to actively participate in the ~~disability~~Disability management process and consultations with both the Manager, HR representative and the ~~disability~~Disability management service provider. Active participation includes completion of required ~~disability~~Disability management forms and submission of necessary medical documentation. The Employee with the ~~disability~~Disability is also expected to assist in securing appropriate ~~accommodation~~Accommodation, accepting an offer of ~~accommodation~~Accommodation that meets their needs, even if it is not their preferred ~~accommodation~~Accommodation option and facilitating the implementation of an ~~accommodation~~Accommodation plan.

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6-2-6.4. The Employee will complete the required forms provided by the ~~disability~~Disability management service provider and submit supporting medical documentation as necessary and requested by the ~~disability~~Disability management service provider. All medical documentation must be submitted by the Employee directly to Disability management service provider.

6-3-6.5. The ~~disability~~Disability management service provider may request any additional medical documentation to assist in determining the appropriate ~~accommodation~~Accommodation requirements. In such cases, the Employee will sign the necessary consent forms to permit enquiries and release of information. Information obtained will be maintained in accordance with the policy provisions concerning confidentiality. The ~~disability~~Disability management service provider will ensure that there is sufficient and appropriate medical information to validate the functional limitations and restrictions to make the appropriate ~~accommodation~~Accommodation assessment.

6-4-6.6. Under normal circumstances, it will be the responsibility of the HR representative to develop an ~~accommodation~~Accommodation plan for the Employee that satisfies the University's duty to accommodate. The efforts involved to develop a plan will first focus on the Employee's existing position; however, where necessary and applicable, the University's duty to accommodate may involve a vacant or encumbered position elsewhere in the University. In some cases, it will not be possible to accommodate an Employee's needs because such ~~accommodation~~Accommodation will cause undue hardship to the University. For example, the duty to accommodate does not extend so far as to require employers to create a position for an Employee who is otherwise incapable of performing the Essential Deuties of their existing job or of some other existing position; this would amount to Undue Hardship.

- 6.5-6.7.** The HR representative will consult with the Employee, the Manager, and ~~disability-Disability~~ management service provider to develop an ~~accommodationAccommodation~~ plan, and consider the following questions:
- What aspects of the job function are impacted by the Employee's disability?
 - Would removing the function fundamentally change the job?
 - Is the function marginal or incidental to the job purpose?
 - Is the job specialized, so that the person in the job is hired for their expertise to accomplish the function?
 - Is the function actually accomplished by all current incumbents?
 - Does the incumbent spend a substantial amount of time accomplishing the function?
 - Would the consequences be serious if the function was not accomplished?
 - Are there a limited number of Employees available among whom the function can be distributed?

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Cheryl suggested adding a point on the timing of responding to accommodation requests i.e. "HR will strive to respond to all disability-related accommodation requests from employees in a timely manner."

- 6.6-6.8.** The ~~accommodationAccommodation~~ plan will specify the details of the ~~accommodationAccommodation~~ including the following:
- who is responsible;
 - who will be involved (including co-workers, if applicable);
 - the time lines for putting the ~~accommodationAccommodation~~ in place;
 - the duration; and
 - the nature of follow-up evaluation.

In cases of job duty modification a regular review(s) should be carried out by the Manager and followed up in writing to all appropriate parties.

- 6.7-6.9.** If applicable, the HR representative will consult with the Health and Safety Officer and/or Campus Safety and Security Services regarding any health and safety issues.

- 6.8-6.10.** The HR representative will determine whether the support of other resources (i.e. external ~~disability-Disability~~ service providers) is necessary, and facilitate contact with them on specific issues.

- 6.9-6.11.** The HR representative will consider the Employee's preferred ~~accommodationAccommodation~~ measure. Where multiple ~~accommodationAccommodation~~ measures are identified that each meet the Employee's disability-related ~~accommodationAccommodation~~ needs, the manager, in consultation with the HR representative, may select the ~~accommodationAccommodation~~ measure that results in the least disruption and/or cost to the employer.

- 6.10-6.12.** The HR representative will provide a centralized coordinating function in terms of resolving, and monitoring all Employee ~~accommodationAccommodation~~ issues within the University.

6.13. In the instance that HR representative is unable to resolve an ~~accommodation~~Accommodation issue, or before determining that ~~accommodation~~Accommodation cannot be made because it would constitute an undue hardship, the HR representative will consult with the Office of the University Secretary and General Counsel (USGC).

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~~6.11-6.14.~~ The University will endeavor to respond to all disability-related accommodation requests in a timely manner.

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7. Job Applicants

7.1. The job applicant will notify the ~~Manager/HR representative/designate for the respective department or faculty of the respective department~~ of any disability-related ~~accommodation~~Accommodation needs or requests. ~~If the Manager/designate is contacted, they must relay all accommodation requests to the HR representative.~~The HR representative will be responsible for providing work with the Manager to ensure reasonable and appropriate ~~accommodation~~Accommodation. The HR representative will identify whether further consultation is required on a case-by-case basis to ensure an appropriate ~~accommodation~~Accommodation is provided.

7.2. If a job applicant indicates the need for ~~accommodation~~Accommodation at the time of job offering, the steps to be taken for ~~accommodation~~Accommodation will follow the procedures for Employees, as described above.

MONITORING AND REVIEW

8. These Procedures will be reviewed as necessary and at least every three years. The Human Resources Leader, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

- Human Rights Code, R.S.O. 1990, c. H.19*
- Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005*
- Integrated Accessibility Standards Regulation, O. Reg. 191/11*
- Accessibility Standards for Customer Service, O. Reg. 429/07*

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RELATED POLICIES, PROCEDURES & DOCUMENTS

- OntarioTech Feedback Accessibility Form
- OntarioTech Accessibility Policy
- OntarioTech University Accessible Customer Service Policy
- OntarioTech University Academic ~~Accommodation~~Accommodations for Students with Disabilities Procedures

Classification number	
Parent Policy	Accessibility Policy
Framework Category	Legal, Compliance and Governance
Approving Authority	Senior Leadership Team
Policy Owner	Vice-President, Academic and Provost
Approval Date	DRAFT- for review
Review Date	DRAFT- September 2019
Last Updated	September 2016; Minor Amendment; s. 7.3

PROCEDURES FOR ACADEMIC ~~ACCOMMODATION~~ ACCOMMODATION FOR STUDENTS WITH DISABILITIES

PURPOSE

1. Consistent with the OntarioTech’s Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals, this document is designed to inform and guide in the provision of reasonable academic ~~accommodation~~ accommodations for qualified students with disabilities in light of the essential requirements of the University’s courses and programs.

DEFINITIONS

For the purposes of this Policy the following definitions apply:

“Accessible Formats” may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.
“Accommodation” means an adaptation or adjustment made to enable a person with a disability to perform the essential duties of their position or fulfill the essential requirements of a particular course and/or program. The requirement, qualification or factor must be reasonable and bona-fide in the circumstances. Accommodation may include, but is not limited to:

- Human support services such as sign language interpreters, readers, etc.
- Technical aids and assistive devices
- Workstation and/or office modifications
- Job redesign
- Flexible or alternative work schedules
- Temporary re-assignments

“Barrier” means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

“Communication Supports” may include, but are not limited to, captioning, alternative and augmentative Communication Supports, plain language, sign language and other supports that facilitate effective communications.

“Disability” means:

a) 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, including diabetes mellitus, epilepsy, and any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, or physical reliance on a guide dog or on a wheel chair or other remedial appliance or device;

b) A condition of mental impairment or developmental disability;

c) A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;

d) A mental disorder; or

e) An injury or disability for which benefits were claimed or received under the *Workplace Safety and Insurance Act*.

“Disability” should be interpreted in broad terms. It includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability.

“Disability” covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time.

There are physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, mental health disabilities and addictions, environmental sensitivities, and other conditions.

Disability is an evolving concept; a disability may be the result of combinations of impairments and environmental barriers, such as attitudinal barriers, inaccessible information, an inaccessible built environment or other barriers that affect people’s full participation in society.

“Essential Duties” means the vital or indispensable aspects of a job.

“Essential Requirements” means the knowledge and skills that must be acquired or demonstrated in order for a student to successfully meet the learning objectives of a particular course and/or program.

“Undue Hardship” as defined in the *Ontario Human Rights Code* prescribes three considerations in assessing whether an Accommodation could cause undue hardship: Cost; Outside Sources of Funding; and Health and Safety Considerations. Additional information is available on the Ontario Human Rights Commission website (URL: www.ohrc.on.ca).

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SCOPE AND AUTHORITY

3.2. These Procedures apply to students, faculty and staff at OntarioTech who share responsibility for fostering an accessible and inclusive environment, and for identifying, preventing and removing barriers to students with disabilities enrolled in academic courses and programs. Student Accessibility Services is additionally responsible for providing support, guidance and education to ensure compliance with these procedures.

4.3. The Provost and Vice-President Academic, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

5.4. General Regulations

5.1.4.1. Students with disabilities may request to be considered for formal academic ~~accommodation~~**Accommodation** in accordance with ~~the the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act (AODA) Ontario Human Rights Code.~~ Students seeking ~~accommodation~~**Accommodation** must make their requests through the Student Accessibility Services (SAS) office in a timely manner, and provide relevant ~~and recent~~ documentation to verify the effect of their ~~disability~~**Disability** and to allow the University to determine appropriate ~~accommodation~~**Accommodations**.

5.2.4.2. ~~Accommodation~~**Accommodation** decisions will be made in accordance with the Ontario Human Rights Code. ~~Accommodation~~**Accommodations** will be consistent with and supportive of the ~~Essential R~~**Essential R** requirements ~~and academic integrity~~ of courses and programs, and provided in a way that respects the dignity of students with disabilities and encourages integration and equality of opportunity. Reasonable academic ~~accommodation~~**Accommodation** may require instructors to exercise creativity and flexibility in responding to the needs of students.

6.5. Students requiring academic ~~accommodation~~Accommodations****

6.1.5.1. Students with disabilities who require ~~accommodation~~**Accommodations** shall, in a timely manner in relation to their ~~disability~~**Disability** needs, provide the appropriate medical and/or psychological documentation concerning the status and effect of their ~~disability~~**Disability** as required by OntarioTech's SAS Office. Documentation that is not provided in a timely fashion or in the required form may delay or prevent the implementation of an academic ~~accommodation~~**Accommodation** for a particular course. In cases where student is in the process of obtaining appropriate documentation, SAS will consider in good faith and on a case-by-case basis whether interim ~~accommodation~~**Accommodation** measures can be implemented temporarily. For specific information regarding the timelines and registration procedures please visit the Student Accessibility Services website at <https://studentlife.ontariotechu.ca/services/accessibility/index.php>~~www.ontariotechu.ca~~

7.6. Academic ~~accommodation~~Accommodation** plans**

7.1.6.1. SAS will work in cooperation with students and their instructors to identify the ~~Essential R~~**Essential R** requirements of the courses, and to determine reasonable and suitable ~~accommodation~~**Accommodation** measures to allow students an equal opportunity to meet those requirements ~~while maintaining the academic integrity of a course or~~

~~program. In accordance with the OntarioTech Accessibility Policy, the essential requirements or academic integrity of a course or program may include, but are not limited to, the knowledge and skills that must be acquired or demonstrated in order for a student to successfully meet the learning objectives of courses and programs.~~

~~7-2-6.2.~~ SAS will prepare a notice of ~~accommodation~~**Accommodation** for the student that verifies that the student is registered with SAS and is entitled to ~~accommodation~~**Accommodation**, and outlines the proposed ~~accommodation~~**Accommodation** plan. SAS will rely on the support of various faculty/staff members to coordinate and successfully implement the student's ~~accommodation~~**Accommodation** plan. Possible supports that may be recommended by SAS include but are not limited to: testing ~~accommodation~~**Accommodations**, assistance in obtaining class notes, course material in alternative formats, disability-specific academic strategies, classroom assistance and ~~disability~~**Disability** advocacy support.

~~7-3-6.3.~~ Students should meet with their ~~accessibility advisor or learning strategies~~**Student Accessibility Ce**nsellor prior to the start of the term to have their notice of ~~accommodation~~**Accommodation** sent to their instructors to ensure that they have the best possible opportunity for academic success. Advisors, students and instructors all have an obligation to participate in a meaningful dialogue in the search for and implementation of measures that are demonstrably required to accommodate the disability-related needs of students.

8-7. Protection of privacy

~~8-1-7.1.~~ OntarioTech is concerned with protecting the privacy of students with disabilities. At the same time, the University needs sufficient information to reasonably evaluate and respond to a student's request for ~~accommodation~~**Accommodation**. For this reason, students are required to provide to Student Accessibility Services information concerning the nature of their disability-related needs.

~~8-2-7.2.~~ At times the ~~accommodation~~**Accommodation** process may require that a student disclose such information to staff and faculty outside of Student Accessibility Services on the basis that they "need-to-know" this information to perform their duties under the policies and procedures at the University. All personal information disclosed to such staff or faculty will be governed by the OntarioTech guidelines on the protection of privacy.

9-8. Resolution of academic ~~accommodation~~Accommodation** plans**

~~9-1-8.1.~~ In cases where there is disagreement between the instructor and the student on the ~~accommodation~~**Accommodation** plan and/or its implementation, the instructor will contact the student's advisor from Student Accessibility Services to explore alternative forms of academic ~~accommodation~~**Accommodation** as appropriate to the objectives and requirements of the course. If issues remain unresolved, the issue will be escalated to the Dean of the Faculty.

~~9-2-8.2.~~ The Dean will consult with SAS before rendering a decision. Any decision to deny a request for ~~accommodation~~**Accommodation** or that otherwise has a potential of creating a legal risk to the university must be referred to the Office of the University Secretary and General Counsel prior to being implemented.

MONITORING AND REVIEW

~~10.9.~~ These Procedures will be reviewed as necessary and at least every three years. The Provost and Vice-President Academic, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

~~10.~~ *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005
Human Rights Code, R.S.O. 1990, c. H.19
Integrated Accessibility Standards Regulation, O. Reg. 191/11*

~~11.~~ *Ontario Human Rights Code, R.S.O. 1990, Chapter H.19*

Ontario Human Rights Commission Policy on Guidelines on accessible education (2004)

Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter F.31

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RELATED POLICIES, PROCEDURES & DOCUMENTS

~~11.~~ OntarioTech Feedback Accessibility Form

OntarioTech University Procedures for Accommodation of Employees with Disabilities

~~12.~~ OntarioTech Accessibility Policy

Academic Regulations, Undergraduate Academic Calendar

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