

Accommodating Disability

A Guide for Students, Faculty, and Staff

WHAT IS A DISABILITY?

According to York University's policies and the Ontario Human Rights Code (the "Code"), "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 and mental disabilities, including learning, hearing or vision disabilities, drug and alcohol dependencies, environmental sensitivities, and other conditions.

YORK UNIVERSITY POLICY

York University is committed to ensuring that all York community members, including students, staff, and faculty, receive equal treatment without discrimination on the basis of disability. York University's policies and procedures protect people from discrimination because of past, present and perceived disabilities. These policies and procedures can be found at the end of this guide.

WHAT IS THE DUTY TO ACCOMMODATE?

York University has a duty to take steps to eliminate barriers, rules and practices that create a disadvantage for people with disabilities who work at the University or who access York's services. The University's policies and the Code recognize that people have differing individual needs which have to be respected to create equality. Generally speaking, the term accommodation means making adjustments or adaptations to the rule or practice to eliminate (often unintentional) discriminatory barriers. Accommodation is a shared responsibility. This

means that while York has a duty to accommodate, those requesting accommodation have the duty to provide all the necessary information, including medical, when required. There is no set formula for accommodating or for deciding what is required to grant an accommodation. It will depend on the particular circumstances of each individual such as the academic nature and requirements of a university course or the bona fide occupational requirements of an employment position.

Examples of accommodations:

- Providing reading materials in alternative format such as in enlarged print, digitized computer-readable text, audio-recording or Braille.
- Allowing the use of laptops or facilitating note-sharing in the classroom, unless it would compromise the academic integrity of the course's core requirements.
- Putting in automatic entry, wheelchair accessible doorways and washrooms.
- Allowing service animals such as seeing-eye dogs to enter in places with their owner where usually animals are excluded.
- Changing employee job duties, retraining, or assigning a person to another job.

PRACTICING ACCOMMODATION

Since individuals and all the relevant circumstances are highly variable, each accommodation request needs to be assessed on a case-by-case basis. The

following reference tool from the Ontario Human Rights Commission (OHRC) is useful in guiding accommodation requests:

Person Requesting:

- Take the initiative to request accommodation
- Explain why accommodation is required
- Provide notice of request in writing, and allow a reasonable time for reply
- Explain what measures of accommodation are required
- Deal in good faith
- Be flexible and realistic
- If desired, request details of the cost of accommodation if undue hardship may be a factor

Person/organization Responsible:

- Respect the dignity of the person seeking accommodation
- Assess the need for accommodation based on the needs of the group of which the person is a member
- Reply to the request within a reasonable time
- Grant requests related to the reasonable accommodation of a disability
- Deal in good faith
- Consider alternatives
- If accommodation is not possible because of undue hardship, explain this clearly to the person concerned and be prepared to demonstrate why

LINKS TO YORK RESOURCES

Accommodation concerns and complaints should be directed to the Centre for Human Rights:

You may also refer to:

Counselling and Disability Services

<http://cds.info.yorku.ca>

Employee Well Being Office

<http://www.yorku.ca/hr/units/employeerelations/ewb.html>

Visit the Centre for Human Rights website for additional York resources.

LINKS TO YORK POLICIES/ PROCEDURES/GUIDELINES

Visit York University's University Secretariat website and type in the names of the documents noted below to access them:

<http://secretariat-policies.info.yorku.ca/policies>

Policy on Academic Accommodation for Students with Disabilities

Accessibility for Persons with Disabilities, Customer Service Guideline

Accessibility for Persons with Disabilities, Statement of Commitment

Policy on Accommodation in Employment for Persons with Disabilities

Procedures on Accommodation in Employment for Persons with Disabilities

Policy on Physical Accessibility of University Facilities

Procedures on Physical Accessibility of University Facilities

EXTERNAL RESOURCES

OHRC Disability and Human Rights Brochure, 2011

<http://www.ohrc.on.ca/en/disability-and-human-rights-brochure>

OHRC Policy and Guidelines on Disability and the Duty to Accommodate

<http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate>

SOURCES

OHRC Disability and Human Rights Brochure, 2011

<http://www.ohrc.on.ca/en/disability-and-human-rights-brochure>

OHRC Policy and Guidelines on Disability and the Duty to Accommodate

<http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-duty-accommodate>

MAKING YORK UNIVERSITY REDI

The Centre for Human Rights (CHR) contributes to York University's vision of social justice and accessible education. We strive to build a respectful, equitable, diverse and inclusive (REDI) community at York by advancing, promoting, and upholding human rights at York in accordance with provincial human rights legislation and the University's policies.

Contact the Centre for Human Rights if you:

Have questions or concerns about human rights on campus

Are seeking human rights education

Are interested in human rights research

CENTRE FOR HUMAN RIGHTS

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This fact sheet provides general information about human rights related accommodation to York University students, staff, and faculty members and should not be construed as legal advice.