

Part 5 - Academic
Academic Accommodation for Students Experiencing Disabilities Policy

POL 517

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A. PURPOSE

Mount Royal celebrates diversity and welcomes the contributions, experiences and full participation of students experiencing disabilities as valued members of our community. Higher education is the gateway to the workplace and community for our students; therefore it is essential that the learning environment at Mount Royal be accessible to all members of the community. Mount Royal is committed to cultivating a universally accessible environment for all of its communities through the removal and prevention of accessibility-related barriers. This policy aims to foster diversity, inclusiveness and student success by ensuring that students experiencing disabilities receive equal opportunities for academic success and personal development at Mount Royal.

In accordance with the *Alberta Human Rights Act* ("the Act"), and Mount Royal's *Human Rights Policy*, Mount Royal will promote and protect the rights and dignity of students experiencing disabilities and will create and maintain a safe, respectful and supportive learning environment that is free from discrimination and harassment. Mount Royal recognizes its legal duty to provide reasonable accommodation to students experiencing disabilities, that this duty arises from human rights legislation and that failure to provide reasonable accommodation to a student with a documented disability may amount to discrimination under the *Act*.

B. DEFINITIONS

(1) Human Rights are inalienable, indivisible, universal entitlements codified in international and domestic law. In Canada, they are protected and interpreted through:

- (a) The *Canadian Charter of Rights & Freedoms*;

- (b) Provincial/territorial human rights legislation (e.g. Alberta *Human Rights Act*);
- (c) Decisions of tribunals and courts;
- (d) Human rights commission policy statements, interventions and other mandated functions; and
- (e) International law/instruments (ratified treaties, treaty body comments/decisions, international and other jurisdictional court decisions).

(2) Discrimination is defined as one or a series of unwanted behaviours or communication directed toward an individual or members of an identifiable group because of a prohibited ground of discrimination, as identified by the *Act* and reflected in the Mount Royal *Human Rights Policy POL 1702*. The prohibited grounds of discrimination are:

Race
 Ancestry
 Religious Belief
 Physical Disability
 Age
 Marital Status
 Family Status
 Colour
 Place of Origin
 Gender
 Mental Disability
 Sexual Orientation
 Source of Income
 Gender Identity & Expression¹

Discrimination is behaviour which may be rooted in a prejudicial attitude. Discrimination is an act of differentiated treatment towards an individual as a member of a group or towards a group, which can disadvantage an individual or group. Discrimination often excludes an individual from a right or privilege to which they would otherwise be entitled.

Whether it is colleague to colleague, supervisor to subordinate, subordinate to supervisor, employee to student, student to employee, or student to student, discrimination introduces a disruptive element into Mount Royal's environment which endangers the well-being and job performance or educational experience of the individual.

(3) Systemic discrimination (also referred to as substantive or institutional discrimination) can be described as a pattern of behaviour, policies or practices that are part of an organization, and which create or perpetuate disadvantage related to one or more of the prohibited grounds set out in the *Act*. In many cases, systemically dis-

¹ Gender Identity & Expression is not currently enumerated in the *Act*. However, the Alberta Human Rights Commission has interpreted the enumerated ground of gender to protect individuals from discrimination on the basis of gender identity and expression.

crimutory policies and practices seem neutral on their face but when applied equally to all result in differential treatment to a particular group.

- (4) **Barrier** is a structure, design, practice and/or criterion that prevents or impedes a person from accessing a facility or service.
- (5) **Disability** is an umbrella term, covering impairments, activity limitations and participation restrictions. Disability is thus not just a health problem. It is a complex phenomenon, reflecting the interaction between features of a person's body and features of the society in which they live. Overcoming the obstacles faced by people experiencing disabilities requires interventions to remove environmental and social barriers.
- (6) **Students experiencing disabilities** refers to those individuals who have any verifiable and persistent physical, learning, cognitive, sensory, psychological, neurological, or temporary impairment that may affect their academic progress.
- (7) **Duty to accommodate** refers to the obligation of an employer or service provider to take measures to eliminate for employees, prospective employees or clients disadvantages that result from a rule, practice or physical barrier that has or may have an adverse impact on individuals or groups protected under the *Act*. Mount Royal has the duty to accommodate to the point of undue hardship. In the Mount Royal context, the University is both an employer and a service provider and clients mean any student or other member of the community wishing to make use of our services or facilities. The duty to accommodate recognizes that true equality means respecting individual's different needs.
- (8) **Reasonable Accommodation** refers to an accommodation that addresses an inequity without creating an undue hardship on the employer or service provider. The law requires that students experiencing disabilities must be provided reasonable accommodation, not perfect accommodation.
- (9) **Undue hardship** refers to unreasonable and excessive challenges for the institution which may include but are not limited to:
 - (a) The financial cost of the accommodation(s) will hurt the viability of the institution; and/or
 - (b) There are significant competing rights; and/or
 - (c) There are health and safety concerns; and/or
 - (d) The accommodation would compromise *bona fide* educational or occupational requirements.

Undue hardship is determined by a three-part test created by the Supreme Court of Canada and interpreted by tribunals and courts. According to the Alberta Human Rights Commission, the undue hardship standard is very high and post-secondary institutions will normally be required to provide accommodation. Individuals may consult with Diversity & Human Rights Services and/or the Universi-

ty's Legal Services with their questions regarding undue hardship and Mount Royal's legal duty to accommodate.

- (10) **Academic Accommodation(s)** refers to the process of making alteration(s) to the delivery of academic services and requirements, including admission, progression and graduation requirements, to enable equitable participation. The academic accommodation of students experiencing disabilities involves activities like making adjustments or alternative arrangements in the educational environment to ensure it does not have a discriminatory effect on a student because of the disabilities they may experience.
- (a) **Modification** is an accommodation involving a relatively minor change made to an academic admission, progression or graduation requirement. Modifications usually involve a revision to the way a student must demonstrate required skills and knowledge, or sometimes additional assistance for a student which does not detract from the skills and knowledge the student must acquire. See Appendix 2 for examples.
 - (b) **Substitution** is an accommodation involving the replacement of a certain academic admission, progression or graduation requirement by another that is deemed comparable. Substitutions are commonly used to effect accommodations. See Appendix 2 for examples.
 - (c) **Waiver** is an accommodation involving the removal of an academic criterion for admission, progression or graduation. A waiver should never be offered in regard to a *bona fide* educational requirement. A waiver does not include a case where a requirement is replaced by another requirement (this is a substitution), but rather is the complete elimination of a non-*bona fide* educational requirement. See Appendix 2 for examples.
 - (d) **Degree Notwithstanding a Deficiency** is one that is conferred upon a student who has not met all the General Faculties Council-approved requirements for their program of study and for whom no other accommodation has been approved in regard to the missing requirements. A degree notwithstanding a deficiency, when approved by General Faculties Council (or the Dean, as delegated in POL 512: *Academic Standing, Continuance and Graduation Policy*) is the only way in which a student may effectively obtain a waiver of what would otherwise be considered a *bona fide* educational requirement.
- (11) **Bona fide educational requirement(s) (“BFER”)** are those requirements that are a reasonable and justifiable component of a program that may limit entry to, or completion of, a program or course. In the context of academic accommodation, they include the admission, progression and graduation requirements that are essential to maintain the academic integrity of a program, including those necessary for students to acquire and demonstrate essential skills and knowledge.
- (12) **Bona fide occupational requirement(s) (“BFOR”)** are those requirements that are reasonable and justifiable components of an occupation or specific job.

- (13) **Course-Level Accommodation(s)** refer to accommodations generally related to course-specific admission or progression criteria. Examples include methods of course delivery and evaluation or course prerequisites.
- (14) **Program-Level Accommodation(s)** refer to accommodations normally related to program-specific admission, progression or graduation criteria. Examples include clinical or practica requirements.
- (15) **University-Level Accommodation(s)** refer to accommodations related to general admission, progression or graduation requirements and related to processes administered by a central University authority. Examples include graduation requirements like General Education courses or processes such as access to registration.
- (16) **Accessibility Services** refers to the Mount Royal department with delegated authority to assist the University in discharging its legal and moral duty to provide academic accommodation and to create an accessible learning environment that encourages full participation in academic courses for students experiencing disabilities. Accessibility Services works with students, faculty/instructional staff and other University personnel to develop appropriate accommodations for students who experience disabilities in the post-secondary environment.
- (17) **Access Advisor** refers to a qualified Accessibility Services professional who works with students, faculty/instructional staff and other University personnel to develop appropriate accommodations, or recommendations for accommodations for students experiencing disabilities.
- (18) **Accommodation Agreement** refers to the signed arrangement, facilitated by Accessibility Services, made between Mount Royal and the student that:
- (a) Specifies the recommended accommodation(s) to be provided by Mount Royal for the student; and
 - (b) Authorizes the release of information to appropriate individuals when necessary
- (19) **Professor Acknowledgement** refers to the signed form that verifies the course instructor has received the student's confidential Academic Accommodation Memo and to acknowledge that the student has met with the course instructor to discuss how the accommodation request may relate to the design of the course.
- (20) **Universal Access/Universal Design** is an approach to the design of all products, processes, procedures, systems, structures and environments. The goal is to make these as useable as possible by as many individuals as possible, regardless of ability. "Universal" does not imply one solution for everyone; rather, it reflects an awareness of the unique nature of each individual as well as the need to accommodate differences. The aim is to create learning and working experiences to suit the individual and to maximize the individual's ability to progress.

C. PRINCIPLES

- (1) Mount Royal recognizes the rights of students experiencing disabilities who are academically qualified to participate fully in the life of the institution.
- (2) Mount Royal promotes awareness, advocacy and learning partnerships amongst the whole of the Mount Royal community. In recognition of the diverse population it serves, Mount Royal is committed to providing a respectful, inclusive, barrier-free and universally accessible learning environment within the limits of undue hardship.
- (3) In recognition that ability is diverse in kind and degree, Mount Royal will adapt its services and programs to accommodate the needs of individual students, in accordance with the requirements of the *Act*.
- (4) Provision of academic accommodation shall not lower the academic standards of the University. Academic accommodation shall not remove the need for evaluation and the need to meet essential learning outcomes.
- (5) Students experiencing disabilities will meet the same academic requirements and standards as all students, although the manner by which students experiencing disabilities meet these may vary.
- (6) Academic integrity, as defined by the *Code of Student Conduct*, will be upheld by those providing and receiving academic accommodation.
- (7) Delegation of authority for academic accommodation decisions is based on:
 - (a) The type (modification; substitution; waiver; degree notwithstanding a deficiency) of accommodation being sought; and
 - (b) The level of accommodation being sought (course; program; university).
- (8) Mount Royal stresses the development of self-advocacy and independence of students experiencing disabilities. Students are their own best advocates and a reasonable measure of self-reliance is necessary for academic success. Students requesting academic accommodation must take the initiative to inform the institution of their needs at the beginning of the term pursue their studies with the same diligence required of all students and accept responsibility for the role that they play in achieving their goals.
- (9) Notwithstanding the above, there may be times when self-advocacy by students in the process of securing academic accommodations is not a reasonable expectation. Factors that may affect a student's ability to advocate for themselves include:
 - (a) The nature of the disability may make it difficult for a student to be aware of the need for accommodation and/or to participate in the design and implementation of the accommodation;
 - (b) The pervasive and persistent stigma associated with requiring academic accommodation(s) and/or certain disabilities;

- (c) The existing power imbalance between students and University personnel, including faculty/instructional staff members and others involved in the implementation of academic accommodation(s).

Students should be aware of the support services available to them on campus, including the services of the Students' Association of Mount Royal University.

- (10) While students experiencing disabilities are encouraged to share information regarding their accommodations with faculty/instructional staff and other University personnel that would play a role in facilitating their accommodations, such information can only be released in accordance with the Act, the Freedom of Information and Privacy Act and the Health Information Act.
- (11) Mount Royal recognizes the variety of rights enjoyed by members of the campus community, including academic freedom. Notwithstanding the range of values and interests held by members of our community, international conventions, the Canadian *Charter of Rights and Freedoms*, provincial human rights legislation and legal decisions all recognize the paramount importance and unique status of human rights, including the duty to accommodate students experiencing disabilities. In all cases, the rights of individuals as protected by the Act, the Mount Royal *Human Rights Policy* and/or this Policy are superordinate to other rights and freedoms in the campus community. Academic freedom implies in no way the right to engage in any action that demeans the freedom or dignity of other individuals in the campus community.
- (12) Respect for all members of the Mount Royal community will be upheld at all times. Discrimination and harassment will not be tolerated.
- (13) In accordance with relevant legislation and tribunal and court decisions, Mount Royal recognizes our responsibility to justify the academic standards we use to deny academic accommodations for students experiencing disabilities on the basis of bona fide educational requirements. Academic accommodations cannot be denied on the basis of an essential academic requirement unless those requirements have been approved, with written rationales, by General Faculties Council.

Each academic unit shall submit to General Faculties Council for approval written rationales for the bona fide educational requirements of its existing and of any newly developed programs.

Relevant administrative personnel shall identify and submit to General Faculties Council for approval written rationales for the bona fide educational requirements of its existing policies, rules and standards related to academic admission, progression and graduation that are not under the delegated authority of an academic unit. This includes academic requirements at the Faculty/School and University levels.

Where academic programs are subject to external accreditation or approval, a document outlining essential skills and abilities based on bona fide occupational requirements shall be submitted for approval by General Faculties Council.

- (14) If a student experiencing a disability challenges an academic standard, Mount Royal will provide objective evidence of the need for the standard or explain how the standard is a reasonable and bona fide educational requirement. The standard must be imposed by Mount Royal in good faith.
- (15) Mount Royal commits to a regular review of policy, procedures and services related to students experiencing disabilities.
- (16) Following due process, Mount Royal may take one or more of the following actions against anyone whose activities are in violation of any applicable legislation or of this policy:

In the case of students, disciplinary action under the *Code of Student Conduct*; In the case of employees, disciplinary action in accordance with the applicable collective agreement.

D. CONFIDENTIALITY OF STUDENTS' PERSONAL INFORMATION

- (1) Confidentiality of all students' personal information will be respected at all times.
- (2) In accordance with relevant legislation and policies, including the *Human Rights Act*, the *Freedom of Information and Protection of Privacy Act* and the *Health Information Act*, all personal information relating to disabilities of students is to remain confidential.
- (3) Mount Royal has designated Accessibility Services as the department responsible for requesting, receiving, and retaining the medical or psychological information provided by students requesting accommodation.
- (4) Information about a student's disability, including the fact that a student has a disability, will only be disclosed to those involved in the accommodation process on a need-to-know basis.
- (5) According to guidance from the Alberta Human Rights Commission, information disclosed by Accessibility Services should be limited, and in any case, in accordance with relevant legislation.

E. MOUNT ROYAL'S RIGHTS AND RESPONSIBILITIES

- (1) Mount Royal has the right to:
 - (a) Determine the institution's BFERs.
 - (b) Request valid documentation from a student that verifies the need for the accommodation(s).

- (c) Determine the adequacy of submitted documentation and initiate action as necessary.
 - (d) Determine the extent and nature of accommodation(s) of the student's disability(ies) based on legislative requirements, professional and if requested by Mount Royal, corroborated prognoses, and informed practice by Accessibility Services personnel. Informed practice by Accessibility Services includes dialogue and consultation with students regarding their abilities and limitations.
- (2)** Mount Royal has the responsibility to:
- (a) Respond to the students' request for accommodation(s) in a timely, confidential and sensitive manner.
 - (b) Create a supportive and responsive academic, social and physical environment. Such commitment on behalf of the institution, however, does not deter students experiencing disabilities from being active participants in their ultimate success.
 - (c) Inform students of the process to appeal the denial or modification to their request for accommodation(s).
 - (d) Ensure that faculty and staff are knowledgeable about this policy and accompanying procedures, including their right of appeal, and familiar with broader issues regarding persons experiencing disabilities. Within their portfolios, Mount Royal personnel, including Deans, Directors, Department Chairs and Vice-Presidents are responsible for informing themselves, as well as the faculty and staff for whom they are responsible, of the provisions of this policy and accompanying procedures and ensuring reasonable accommodation is provided.
 - (e) Treat information as confidential, in accordance with relevant legislation and Mount Royal policy.

F. FACULTY/INSTRUCTIONAL STAFF RIGHTS AND RESPONSIBILITIES

- (1)** Faculty/instructional staff have the right to:
- (a) Access information, education and support in relation to the implementation of this policy and its procedures.
 - (b) Determine course content and methods of instruction.
 - (c) Play an active role in developing BFER to ensure that the academic integrity and standards of the course are not compromised and that established entry to practice competencies and requirements for professional disciplines are not compromised.
 - (d) Evaluate student work, performance and competencies related to the course content and relevant academic standard, including failing any stu-

dent who has not passed or satisfied the course requirements.

- (e) Discuss any particular accommodation(s) with Accessibility Services if in the faculty member's opinion, the accommodation(s) compromise(s) the integrity of the course.
- (f) Determine the appropriate method of adapting their teaching style to meet accommodation(s).
- (g) Consult with professionals, on or off campus, to determine how best to accommodate students experiencing disabilities in their course.
- (h) Appeal accommodation decisions as outlined in the Academic Accommodations for Students Experiencing Disabilities Procedures.
- (i) Access to support through the appeal process, including the services provided by the Mount Royal Faculty Association.

(2) Faculty/instructional staff have the responsibility to:

- (a) Support Mount Royal's commitment and duty to accommodate students experiencing disabilities.
- (b) Work with Accessibility Services to gain knowledge of appropriate accommodation(s) for the student(s).
- (c) Maintain students' dignity and privacy in the academic accommodation process.
- (d) Communicate in classes their willingness to meet with students experiencing disabilities who request classroom, examination, clinical, practicum, co-op or Directed Field Studies accommodation(s). Students shall be provided with an opportunity to discuss their academic accommodation requirements with faculty in a private and confidential setting. Faculty/instructional staff shall include a statement in their syllabus indicating their willingness to assist in the provision of Academic Accommodations, informing students of the role of Accessibility Services and the university's responsibility to provide necessary academic accommodation. See Appendix 5 for sample syllabus statement.
- (e) Engage in a dialogue with students and Accessibility Services to address any concerns regarding specific accommodation(s).
- (f) Work with Accessibility Services when considering accommodations for field trips or clinical practica that are requested or required.
- (g) Accept and acknowledge that accommodation recommendations and decisions made by Accessibility Services are based on appropriate documentation from a qualified professional, in accordance with this policy and relevant legislation, which the student has supplied to Accessibility Services.

G. ACCESSIBILITY SERVICES' RIGHTS AND RESPONSIBILITIES

- (1)** Accessibility Services has the right to:
 - (a) Engage in a collegial and consultative process with faculty/instructional staff, students, other administrative staff and external professionals in order to determine the scope and implementation of the accommodation(s).
 - (b) Access support through the appeal process, including the services provided by the Mount Royal Staff Association.

- (2)** Accessibility Services has the responsibility to:
 - (a) Review all documentation to ensure its validity.
 - (b) Make recommendations regarding appropriate services and accommodations. Accessibility Services will consider the suggestions/recommendations noted in the documentation of a disability/condition but may not agree to all of the suggestions/recommendations.
 - (c) Coordinate services and accommodations for students experiencing disabilities to ensure that they are being reasonably accommodated.
 - (d) Provide support to faculty/instructional staff in accommodating and working with students experiencing disabilities.
 - (e) Work with students, faculty/instructional staff and administrators to address concerns regarding accommodation(s).
 - (f) Keep current with associated legislation and developments in the provision of academic accommodations.
 - (g) Prepare the Accommodation Agreement between Mount Royal and the student experiencing disability.
 - (h) Prepare an annual report for the General Faculties Council, Faculty/School Accessibility Advisory Committees and the University's senior executive officers summarizing relevant Accessibility Services' academic accommodation activity.
 - (i) Provide representation on Faculty/School Accessibility Advisory Committees.
 - (j) Play a role in providing education, training and awareness related to this Policy and issues related to accessibility, accommodation and (dis)ability.

H. STUDENTS' RIGHTS AND RESPONSIBILITIES

- (1)** Students experiencing disabilities have the right to:

- (a) Reasonable accommodation, guided by recommendations from the professional assessments of the students and in accordance with Mount Royal's legal and moral duty to accommodate.
- (b) Confidentiality. All diagnostic documentation provided to Accessibility Services about the student's disability(ies) remains confidential within Accessibility Services. Information about a student's disability will only be disclosed to those Mount Royal personnel involved in the accommodation process on a need-to-know basis. Mount Royal will comply with all requirements of relevant legislation, including the Alberta Freedom of Information and Protection of Privacy Act, the Health Information Act and the Human Rights Act.
- (c) An opportunity to discuss academic accommodation in a private setting. This may include the regular office hours of faculty/instructional staff.
- (d) Be accommodated with dignity and courtesy.
- (e) A respectful, fair, timely and confidential process to reach accommodation decisions. This includes a process by which to resolve disagreements regarding academic accommodation or appeal academic accommodation decisions.
- (f) Access to support through the appeal process, including the services of the Students' Association of Mount Royal University.

(2) Students experiencing disabilities have the responsibility to:

- (a) Pursue their studies with the same diligence required of all students and accept responsibility for their role in achieving course and program outcomes.
- (b) Identify their specific needs to Accessibility Services.
- (c) Provide relevant, and if requested by Mount Royal, corroborated, current medical, psycho-educational or psychological documentation to Accessibility Services, or be willing to undergo assessment if none is available in order to demonstrate eligibility for accommodation(s) and service(s). The documentation of their disability must be:
 - (i) From a physician, psychologist, audiologist, ophthalmologist or other licensed specialist;
 - (ii) Submitted on letterhead and include the clinician's name, title, phone number, address, date(s) of assessment(s); and
 - (iii) Dated.
- (d) In addition, the documentation must indicate the impact the disability(ies)/condition(s) has on the student in an academic setting. It may identify or recommend specific accommodations and supports that would reduce the barriers encountered in an educational setting.

- (e) Develop their Accommodation Agreement with Accessibility Services.
- (f) If applicable, apply for funding for academic accommodation as identified by the Access Advisor.
- (g) Ensure that sufficient notice, as defined by Accessibility Services' procedures, is given to enable Mount Royal to make the necessary accommodation(s) for their disability.
- (h) Contact Accessibility Services each semester to review their needs and their current personal information.
- (i) Engage in a dialogue with the appropriate faculty/instructional staff and Accessibility Services regarding any concerns with the recommended accommodations.

I. SCOPE

This policy applies to all students experiencing disabilities enrolled at Mount Royal, as well as to all those responsible for its implementation. All faculty and faculty/instructional staff, administrative and support staff share Mount Royal's legal responsibility under the *Act* to accommodate students experiencing disabilities.

For accommodations other than academic accommodations for students experiencing disabilities, please refer to Mount Royal's *Human Rights Policy* POL 1702 or contact Diversity & Human Rights Services.

J. RELATED LEGISLATION/POLICIES/STANDARDS

Mount Royal recognizes its legal obligations to students experiencing disabilities and specifically operates in accordance with:

Alberta Human Rights Act
Alberta Freedom of Information and Protection of Privacy Act
Health Information Act

In addition, this policy is supportive of:

Mount Royal's *Human Rights Policy*
 Mount Royal's *Universal Access Policy*
 United Nations Standard Rules on Equalization of Opportunities for Persons with Disabilities

Published Procedures to this Policy

Academic Accommodations for Student with Disabilities Procedures