



Accommodations and Access for Students with Disabilities and Medical Conditions Policy

Category: General;

Jurisdiction: Provost and Vice President, Academic; Senate Teaching & Learning Committee;

Approval Authority: Senate;

Established on: April 30, 2001;

Amendments: October 1, 2010; January 23, 2017; April 11, 2022.

Policy Statement

Lakehead University shall provide students with disabilities and medical conditions with accommodations in accordance with the Ontario Human Rights Code, Section 1, 2016.

Purpose

The purpose of this policy is to establish standards to ensure that students with disabilities and medical conditions have equal access to educational services at Lakehead University, in accordance with the Ontario Human Rights Code, RSO 1990, c H.19 (the “Code”); the Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c 11; and associated policies and regulations, including the Ontario Human Rights Commission Policy on Accessible Education for Students with Disabilities (2018). Where the provisions of any policy, procedure or practice of the University are inconsistent with the *Code* or any other enactment, the *Code* or the enactment prevails.

Scope

This policy applies to:

- Persons applying to Lakehead University for admission to an access, undergraduate or graduate program at Lakehead University;
- Students registered at Lakehead University engaged in any academic-related on and off campus Lakehead University sponsored activities, including, but not limited to, in-class and online learning, community/work placements, collaborative programs and research partnerships;
- Lakehead University administrators, faculty and staff involved in academic program/course design, delivery and instruction, as well as those involved in supporting student needs and accommodations.

The applicability of this policy for Students registered at Lakehead University taking course(s) at another post-secondary institution(s) will be assessed on a case-by-case basis along with applicable accommodation procedures.

Commitment

Lakehead University is committed to institutionalize equitable and inclusive principles and practices to realize a university where diversity thrives. Lakehead is committed to building and fostering a community whose spaces, services, and supports are accessible for persons with disabilities and medical conditions. Accommodating students with disabilities and medical conditions requires the collaboration and support of the entire Lakehead University community.

Lakehead University community members, including administrators, faculty and staff commit to:

- Creating an equitable and inclusive environment;
- Furthering the advancement of universal design principles in areas such as developing, delivering and/or implementing application processes, admission requirements, courses, course requirements, assessment methods, programs, program requirements, services, and informational material;

- Ensuring timely, reasonable and appropriate academic accommodations for students with disabilities in compliance with current legislation, while preserving the academic integrity and essential requirements of the University's programs and courses;
- Exercising flexibility and creativity in the provision of academic accommodations in support of individualized accommodation;
- Ensuring students are fully integrated and participating in their accommodation and its processes;
- Ensuring accommodations are provided on an interim basis for students seeking documentation;
- Considering retroactive accommodations where appropriate;
- Protecting the privacy, confidentiality, comfort, autonomy and dignity of students with disabilities in accordance with the Freedom of Information and Protection of Privacy Act;
- Ensuring that students are not disadvantaged in any way as a result of seeking accommodation;
- Ensuring awareness of their roles and responsibilities in accommodating student needs and championing accessibility.

Confidentiality/Use and Disclosure of Personal Information

Lakehead University respects the dignity and privacy interests of its students. In accordance with the Ontario Human Rights Code, information related to a student's disability will only be shared with those directly involved in the accommodation process and will be limited to functional limitations.

Definitions

“Academic Accommodation” means an individualized adaptation in the way a student receives course curriculum and materials, participates in course activities and/or demonstrates task, course or program requirements. It is informed by three principles: respect for dignity, individualization, as well as integration and full participation. Accommodation is necessary to address barriers in education that would otherwise prevent students with disabilities from having equal opportunities, access and benefits. Under the *Code*, education providers have a legal duty to accommodate the needs of students with disabilities who are adversely affected by a requirement, rule or standard.

“Applicant” means a person applying for admission to Lakehead University in an Access, undergraduate or graduate program.

“Code” means Human Rights Code, RSO 1990, c H-19.

“Disability” means a broad range and degree of perceived, temporary, chronic, or permanent conditions that may include,

- a) any degree or combination 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, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blind or low vision, deaf or hard of hearing, muteness or speech impediment, or physical reliance on a service animal, support person, assistive appliance or device,
- b) a condition of mental impairment or a 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 illness,
- e) a medical condition, or
- f) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997 SO 1997, c 16, Sched. A*.

Although sections 10 (a) to (e) of the *Code* set out various types of conditions, it is clear that they are merely illustrative and not exhaustive. It is also a principle of human rights law that the *Code* be given a broad, purposive and contextual interpretation to advance the goal of eliminating discrimination. The definition of disability under the Ontario Human Rights Code is flexible and encompasses new and emerging disabilities and disabilities for which a precise diagnosis is unclear or has not yet been determined.

“Duty to Accommodate” means a legal obligation to adjust rules, policies or practices to enable a student to fully participate. This includes a Procedural and Substantive duty.

“Procedural duty” involves obtaining all relevant information about and requires an individualized assessment of needs and exploration of accommodation measures. In most cases, the procedural duty to accommodate is initiated with the student’s express request for accommodation.

“Substantive duty” once the procedural duty has been satisfied, one must use the information obtained to put in place reasonable accommodations. Substantive duty concerns the reasonableness of the accommodation offered (does it result in undue hardship) or reasons for not providing accommodation.

“Essential requirement” means the *bona fide* requirements of a task, course or program that cannot be altered without compromising the fundamental nature of the task, course or program. Section 17 of the *Code* states that the right to be free from discrimination is not infringed if the person with a disability is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right.

“Functional limitation” means the effects of the disability on learning and in the learning environment that prevent a student from completing a task or a range of tasks, whether simple or complex, that affect academic functioning. Functional limitations are used to identify reasonable accommodations in lieu of asking for diagnoses.

“Reasonable accommodation” means one that would not cause the institution any undue hardship.

“Retroactive Accommodation” means a request for an accommodation that arises after a deadline or the completion of a test academic milestone or course as a result of a mental health disability or medical condition that may leave a student unable to identify that they have a disability or that they have accommodation needs.

“Undue hardship” means that education providers have a legal duty to accommodate students with disabilities to the point of undue hardship. The *Code* prescribes only three considerations when assessing whether an accommodation would cause undue hardship: cost; outside sources of funding, if any; health and safety requirements, if any. No other considerations can be properly taken into account under Ontario law. The nature of the evidence required to prove undue hardship must be objective, real, direct and, in the case of cost, quantifiable. The education provider must provide facts, figures and scientific data or opinion to support a claim that the proposed accommodation in fact causes undue hardship. A mere statement, without supporting evidence, that the cost or risk is “too high” based on speculation or stereotypes is insufficient.

“Universal Design for Learning” means a broad approach to curriculum and teaching that provides equal opportunities for all learners through multiple means of representation, engagement, and action and expression.

Resolutions for Disagreements

The principles stated in this policy will be used in resolving outstanding issues. In the event that agreement regarding the provision of student accommodations cannot be achieved between the involved parties, resolution will be sought using the Procedures for Accommodations and Access for Students with Disabilities and Medical Conditions or the Human Rights Policy as appropriate.

Accountability

All members of the University community are responsible for complying with this Policy.

Acknowledgements

Lakehead University acknowledges the work of numerous Canadian post-secondary academic institutions whose policies informed the writing of this document.

Review Period: 5 years;

Next Review Period: 2026-2027;

Related Policies and Procedures: Procedures for Accommodations for Students with Disabilities and Medical Conditions – *attachment pending*; Procedures for Accommodated Tests and Exams – *attachment pending*; Human Rights Policy;

Policy Superseded by this Policy: None.

The University Secretariat manages the development of policies through an impartial, fair governance process, and in accordance with the Policy Governance Framework. Please contact the University Secretariat for additional information on University policies and procedures and/or if you require this information in another format:

Open: Monday through Friday from 8:30am to 4:30pm;

Location: University Centre, Thunder Bay Campus, Room UC2002;

Phone: 807-343-8010 Ext. 7929 or Email: univsec@lakeheadu.ca.



Accommodations and Access for Students with Disabilities and Medical Conditions Procedures

Category: Academic;

Established on: January 2018;

Amendments: May 2022; May 15, 2023.

Introduction

These Procedures are for use pursuant to the Accommodations and Access for Students with Disabilities and Medical Conditions Policy. They should be read and interpreted in conjunction with the principles laid out in the Policy.

The accommodations process involves the University's duty to accommodate under the Ontario *Human Rights Code*, RSO 1990, c. H.19 (the "*Code*"), including the Faculty, Department, or Program's duty to provide reasonable accommodations and the student's duty to participate in the accommodation process. The accommodation process is a collaborative one that involves:

- (a) the student;
- (b) the instructor;
- (c) Student Accessibility Services (SAS);
- (d) the Faculty, Department, or Program; and where required,
- (e) the Office of Human Rights and Equity.

The duty to accommodate has both a substantive and a procedural component. The procedure to assess an accommodation (the process) is as important as the substantive content of the accommodation (the accommodation provided).

Development of an Accommodation Plan

1. A need for accommodation is raised or becomes apparent to staff/faculty of the University:

Accommodation is a legal responsibility of the University, and the duty to accommodate rests on all staff and faculty. Per the Ontario Human Rights Commission's Accessible Education for Students with Disabilities Policy, the duty to accommodate is engaged *even where a student has not made a specific or formal request*, and staff and faculty must always be alert to that possibility.

Accommodations may be appropriately dealt with between staff/faculty and students, and in such cases, all laws and policies shall be respected, *including ensuring that students do not have to disclose a diagnosis and ensuring confidentiality*. Staff/faculty should always inform students of the availability of SAS, and where students do not choose to engage SAS, staff/faculty are encouraged to reach out to SAS or OHRE to ensure compliance with the University's legal obligations. Staff/faculty may be more likely to address an accommodation themselves where the student has volunteered information and it involves a simple, one-time accommodation.

A student may self-refer to SAS, at any time, to request an accommodation.

The University community plays a role in supporting students in accessing accommodations throughout their academic journey.

2. Upon engagement with SAS:
 - a. The student shall provide to Student Accessibility Services any relevant medical documentation related to their disability, including, but not limited to, physical, psychological, psycho-educational, and neuro-psychological documentation. This documentation must be provided by an accredited and regulated health care professional. All information and documentation provided by a student to Student

Accessibility Services is confidential, and may be disclosed only with the consent of the student or as required by law.

- b. Upon receipt of the student's medical documentation, Student Accessibility Services shall develop an Accommodation Plan based on a student's functional limitations regardless of the presence of a medical diagnosis. A temporary accommodation plan can be put in place while awaiting documentation.
- c. The Accommodation Plan shall include a set of accommodations required by the student, and may consist of accommodations for in-class or online instruction, community and clinical practicum placements, and retroactive accommodations. Accommodations may include but are not limited to those relevant to accessibility of instruction, assessments, tutorials, and laboratories.
- d. Upon completion of the Accommodation Plan, Student Accessibility Services shall provide the Plan to the student's Instructors within two (2) business days (typically at the beginning of each semester or once the registration process has been completed). Plans are revised and shared as documentation is updated. Every effort will be made to expedite that time in the event of an urgent need.

Implementation of the Accommodation Plan

Upon receipt of the Accommodation Plan:

1. The instructor shall, within five (5) business days of receiving the accommodation plan, or in an expedited manner if the nature of the matter is urgent,
 - a. Implement the requirements of the accommodation plan in conjunction with SAS and the student, and/or
 - b. Consult with their Dean and collaborate with SAS to discuss alternative solutions related to the accommodation plan if necessary.
 - c. If unable to implement the accommodation(s) in dispute due to undue hardship, the instructor and their Dean, shall refer the matter to the Chair of the Accommodation Team by completing an [Accommodation Team Application Form](#).

Accommodation Teams

In situations where all efforts to resolve the dispute of an accommodation have not been successful, The Accommodation Team (the “Team”) is responsible for providing a formal decision for disputed or retroactive accommodations. The Team will ensure Lakehead’s duty to accommodate has been fulfilled.

Membership

The Accommodation Team will be composed of individuals with the expertise, authority and accountability to make decisions involving Lakehead’s duty to accommodate. The membership will include:

- (a) Director of Human Rights and Equity (Chair)
- (b) Two (2) Deans appointed, with one (1) Dean participating on the Accommodation Team (should the accommodation involve a student from a program in their respective Faculty, the alternate Dean will be on the Team)
- (c) AVP of Students
- (d) Director of Academic Relations
- (e) Two (2) faculty members (appointed annually, with recommendations for faculty members made by the Senate Teaching & Learning Committee)

In the event of absences, ex-officio members shall appoint delegates, or Legal Counsel or the Vice-Provost Students (or designate) may step in.

The Accommodation Team may consult with or invite individuals to meetings, including faculty/staff members with knowledge of the essential requirements of the course(s) for which the accommodation is requested, students making the request, etc.

The team will strive to make decisions using consensus. When consensus cannot be reached, a briefing will be brought forward to the Provost for decision.

If a matter has been referred, the Chair shall:

- a. Provide notice to the parties that an application has been filed and convene a meeting of the Accommodation Team, within five (5) business days of receiving the disputed accommodation(s) as set out in the Accommodation Plan.
- b. In the event of a lack of consensus, bring forward the briefing to the Provost, within one (1) business day
- c. Keep a confidential record of the Accommodation Team's proceedings and information regarding the discussion and decision.
- d. Advise the student, the Manager of Student Accessibility Services, and the instructor of the committee's decision in writing within two (2) business days.

The Provost, or the Provost's Delegate, on receipt of a briefing, shall:

- a. Make a decision with respect to the matter and forward that decision in writing to the Chair of the Accommodation Team within (2) business days,
- b. The Chair shall advise the Accommodation Team and the student of the Provost's decision in writing within (2) business days & Manager of Student Accessibility Services.

The Accommodation Team Process

1. Upon receiving an Accommodation Team Application Form, the Accommodation Team will meet with all relevant parties to review and discuss the application.
2. During the meeting, both SAS and the instructor can provide information and clarification (including program essential requirements) to support decision making.
3. The Team, on its own, and based on the information provided by both parties as well as the laws, shall make a decision to (a) approve the disputed accommodation, or (b) to deny the disputed accommodation; or (c) provide alternative accommodations to those set out in the Accommodation Plan.

4. Besides the facts, law and essential requirements, the Team should base its decision on the principles as set out in the Policy.
5. Once a decision has been determined, it is considered final without an opportunity for an internal appeal. The student, however, would be able to apply to the Human Rights Tribunal of Ontario.

Definitions as Outlined in the Policy

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Accountability

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Review Period: When required;

Next Review Period: 2026-2027;

Related Policies and Procedures: Human Rights Policy;

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