



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.