

MEMORANDUM

To: Barbara H. Eccles, Secretary of Senate
From: Dr. Douglas Ivison - Chair, Senate Teaching and Learning Committee
Senate Meeting Date: 19 March 2018
Subject: Senate Teaching and Learning Committee Report

The Senate Teaching and Learning Committee (STLC) met on February 7.

The committee appointed faculty members to the Learning Spaces and Technology sub-committee.

The committee discussed the development of additional teaching awards, and provided suggestions and guidance to the Teaching Awards sub-committee as it begins the work of developing new awards.

The committee received the final draft of the Procedures Associated with the Policy on Accommodations and Access for Students with Disabilities/Medical Conditions, which is attached to this report for the information of Senate.

K. Keiller presented an update on outstanding items from the Provost's Task Force on Innovation and Excellence in Teaching, Learning, and Technology.

N. Luckai reminded the committee of the Guidelines on the Use of Digital Learning Materials for Assessment. As these guidelines were approved in August 2015, they will need to be reviewed and updated. N. Luckai will gather information about the use of Digital Learning Materials at Lakehead and current Ministry rules regarding such use and present that information to a future meeting of STLC, at which point a committee will be struck to review the guidelines.

Respectfully submitted,

Dr. Douglas Ivison
Chair, Senate Teaching and Learning Committee

Procedures Associated with the Policy on Accommodation and Access for Students with Disabilities/Medical Conditions

Effective Date: January 2018

I Roles and Responsibilities

In its efforts to accommodate students with disabilities appropriately, the approach adopted by the University is collaborative, involving the student requesting the accommodation; the instructor, Department, School, Program or Faculty providing the accommodation; and Student Accessibility Services. It should be noted that throughout the document any reference made to Student Accessibility Services refers to the office that provides services to students with disabilities.

The University recognizes that the process of requesting, granting and making arrangements for academic accommodation requires the collaborative support of the entire university community and places certain responsibilities on all those involved while acknowledging the University's legal duty to accommodate.

A. Roles and Responsibilities of Applicants Applying to the University

Lakehead University encourages applications from students with disabilities.

The University will, upon request, provide admission information to applicants in alternate formats within a reasonable time frame. In accordance with general admission procedures Lakehead will accept academically qualified candidates for admission to undergraduate and graduate programs by examining each applicant's academic record and any non-academic requirements (e.g., portfolio, audition) where required in accordance with general admissions procedures.

- a) As with all applicants, those with disabilities are encouraged to select programs of study that are appropriate for their skills, abilities, and career goals; programs in which all essential requirements for that course of study can be met. All students (whether at the undergraduate or graduate level) are urged to investigate individual programs regarding curricula, learning outcomes and essential program requirements – see Appendix II.
- b) Applicants are strongly encouraged to declare they require academic accommodations, based on functional limitations related to their disability, during the application process to the University and should seek assistance from Student Accessibility Services, and an academic

- advisor in the selection of their program of study and their courses.
- c) All documentation related to the applicant's disability will be confidentially held by Student Accessibility Services. Only relevant information related to making admissions decisions will be disclosed and used by appropriate staff to make decisions relating to accessibility admissions as required
 - d) In the event that any questions arise during the application process pertaining to the applicant's ability to fulfill the essential requirements of a program, even if accommodated, the issue will be discussed with the relevant offices which may include the Office of Admissions, Student Accessibility Services, and the Chair/Director of the Department /School and the Dean of the applicant's prospective Faculty.
 - The Chair/Director shall work with the applicant and Student Accessibility Services to determine what, if any, accommodations might reasonably be made to enable the applicant to meet the essential requirements.

In the event that reasonable accommodation is not possible, the applicant will be so informed and other options will be discussed.

- e) In the event that any questions arise during the application process pertaining to the University's ability to reasonably accommodate the applicant without undue hardship, the issue will be discussed with the Director (OHHRE) and the AVP.
- f) All personal information disclosed in the application process shall be used by the appropriate staff and instructor members (including, but not limited to, Admissions staff, Student Accessibility Services staff, Dean of the student's Faculty or the Dean of the Faculty of Graduate Studies, Vice-Provost (Student Affairs), and the Vice-President (Academic)), to make decisions relating to admission.
- g) Acceptance of an applicant should not be interpreted as a guarantee of any sort that the applicant will be able to meet the essential requirements of the program or any specific course at any time in the future.
- h) Staff in Student Accessibility Services are available throughout the admission process to assist, support and advise students with disabilities. In the event that a student chooses not to disclose a disability during the application process but discloses a disability during the academic year and provides the appropriate documentation to substantiate the disability, the accommodation process will be followed.

B. Roles and Responsibilities of Student Accessibility Services

Student Accessibility Services is dedicated to the overall development of all students with disabilities while they are students at Lakehead. More specifically, with regard to students with disabilities, Student Accessibility Services shall:

- a) Provide support, advice and assistance to those students with disabilities when requested.
- b) Make referrals to appropriate professionals for assessment and intervention services as needed.
- c) Receive and verify a student's recent and relevant psychological and/or medical documentation; including, but not limited to medical, psychological, psycho-educational, and neuro-psychological information. Such documentation to be provided by an approved and regulated health care professional and to be recent and relevant in nature.
- d) Ensure all student information and all documentation is treated confidentially, subject to disclosure as necessary to effect the accommodation or as required by law.
- e) Review all documentation and consult with each student in order to discuss recommended accommodations as outlined by the student's health care professional based on the student's needs for the courses/program.
- f) In consultation with the student and, when necessary the Department/School/Faculty, develop an accommodation plan for each student who requires accommodation based on the student's functional limitations and available course/program information and essential requirements. The accommodation plan shall be reviewed each term and may require revision as the student's needs and courses or program may change.
- g) Whenever possible, discuss the student's proposed academic plan prior to registration and, when necessary, consult with Department/School or Faculty to clarify program/course requirements as they relate to the student's disability and potential accommodation needs.
- h) Consult with instructors and Department/School or Faculty, as needed, on accommodations that are congruent with the essential requirements of the course/program.
- i) Determine the financial implications of proposed academic accommodation plans and, as needed, present funding requests to appropriate University personnel.
- j) Provide written documentation outlining the proposed accommodation plan specifying in as much detail as possible what accommodations are requested, what has been approved and revising this documentation as necessary.

- k) Communicate with the student and instructors as needed throughout the term to ensure accommodations are continuing to work effectively and, when necessary, work with the instructor(s) and the student to adjust accommodations that support the student in such a way to meet the essential requirements and to preserve the academic integrity of the course/program.
- l) Provide information and advice to the University community (including instructors, Chairs, Directors, Deans) concerning the provision of services and academic accommodation for students with disabilities.
- m) Inform and consult with various offices, as required, and in accordance with the *Policy on Accommodations and Access for Students with Disabilities /Medical Conditions and Procedures Associated with the Policy on Accommodations and Access for Students with Disabilities /Medical Conditions*.
- n) Provide written documentation, as requested, with copies to the student, confirming registration with Student Accessibility Services, the impact of the student's disability on learning and outlining the proposed accommodation plan.
- o) Participate with other university offices in the ongoing education of students, instructors and administrative staff regarding issues around disability, and the rights and responsibilities of each individual under the *Policy on Accommodations and Access for Students with Disabilities /Medical Conditions* and the procedures associated therewith.
- p) Refer any students, staff or faculty that are challenged by any accommodation process to the Office of Human Rights and Equity.

C. Roles and Responsibilities of the Student

The University recognizes the importance of a student's experience and knowledge with respect to his/her disability and its impact on learning. This being the case, it is imperative that the student with the disability, or their designated advocate, participates fully in determining the appropriate accommodations.

Students needing or requesting an accommodation shall:

- a) Engage in discussion with Student Accessibility Services, and if comfortable, the instructor, Department/School or Faculty regarding any concerns they may have about whether or not they would be able to meet the essential requirements of a course/program prior to registering in a course/program.
- b) Make formal requests to Student Accessibility Services about any required accommodations at the beginning of each academic term year.

- c) Provide all relevant and recent medical documentation (from an approved regulated health-care professional) to substantiate their disability, identify the functional limitations, and any resultant restrictions; Refer to Appendix I for full documentation guidelines.
- d) Work with Student Accessibility Services, instructors, and relevant administrative staff to develop an appropriate accommodation plan.
- e) Connect with Student Accessibility Services staff at the beginning of each term to ensure that the required accommodations are set in place.
- f) Follow procedures with regard to registering with Student Accessibility Services, complying with instructions relating to the implementation of any specific accommodation or support, and renewing registration with Student Accessibility Services in each subsequent term of study.
- g) Understand the duties to cooperate with the accommodation process – including a duty to cooperate with reasonable requests for medical and other expert evidence to enable the institution to understand the disability and a duty to cooperate with reasonable accommodation proposals put forward by the institution.
- h) Collaborate with instructor(s) to discuss specific accommodations when necessary (e.g., memory aids, rescheduling tests etc.). SAS advisors are available to assist upon request.
- i) Understand that if he/she chooses not to disclose a disability during the application process he/she may do so at a later date.
- j) Understand that he/she may be asked to provide documentation of any previous academic accommodation from prior educational institution(s).

D. Roles and Responsibilities of Instructors

Instructors play a vital role in shaping a student's post-secondary educational experience and working via Student Accessibility Services to ensure students are supported.

To help facilitate a student's academic success and maintain the University's academic standards for the benefit of all students, instructors shall:

- a) Refer to Student Accessibility Services all students who self-identify with a disability.
- b) Refer to Student Accessibility Services those students who they suspect may benefit from the services of the Centre (whether through academic support or disability services).
- c) Include information about academic accommodation on all course syllabi

- encouraging students to contact Student Accessibility Services.
- d) Treat all students with respect and work to ensure that their confidentiality and privacy is maintained. This includes respecting that a student may prefer to utilize SAS to arrange their accommodations instead of engaging with the instructors directly.
 - e) Make every effort to develop an inclusive learning environment.
 - f) Identify, upon request, and with the assistance of their academic Department/School, the approved academic program essential requirements that may apply in a course, and provide this information to Student Accessibility Services.
 - g) Participate, as appropriate, in structuring a suitable accommodation plan that meets the needs of the students and satisfies the essential requirements of the course/program.
 - h) Implement the terms of any agreed accommodation plan.
 - i) Confer with Student Accessibility Services to discuss alternative ways to accommodate within your course or any questions or concerns regarding the information listed on the Confidential Accommodation Form within 5 days of the form being sent out, if the proposed accommodation plan is not appropriate or effective.
 - j) Be aware of, and comply with, the *Policy on Accommodations and Access for Students with Disabilities /Medical Conditions and Procedures Associated with the Policy on Accommodations and Access for Students with Disabilities /Medical Conditions*.
 - k) Work cooperatively with Student Accessibility Services in announcing accommodation requests when required (e.g., request for note-takers).
 - l) Utilize the principles of Universal Instructional Design
 - m) Consider accommodation requests after a deadline, test, or course completion (i.e. retroactive accommodation) in consultation with Student Accessibility Services on a case by case bases.

E. Role and Responsibilities of the Chair/Director

The accommodation of students with disabilities requires a collaborative approach between the student, Student Accessibility Services, the instructor, and Department Chairs/School Directors. Chairs/Directors are in an administrative role to facilitate policy and procedures and assist instructors to informally resolve accommodation issues. As required, a Chair/Director shall review an instructor's decision not to provide a particular accommodation. The Chair/Director shall:

- a) Provide an opportunity for all instructors to familiarize themselves with the *Policy on Accommodations and Access for Students with Disabilities /Medical Conditions and Procedures Associated with*

the Policy on Accommodations and Access for Students with Disabilities /Medical Conditions.

- b) Ensure that instructors receive, as appropriate, the departmental resources (aside from financial resources) and support necessary to implement any accepted accommodation plan.
- c) Consult with students and Student Accessibility Services, as required, when applicants or students first identify their need for accommodations.
- d) Discuss with the student and Student Accessibility Services any Department/School concerns about suggested accommodations and/or how the accommodations relate to the essential requirements of the course/program
- e) Within 3 Working Days, review, upon a student's or instructor's request, concerns with the recommended accommodation plan and assist in developing alternatives.
- f) Within 3 Working Days, review, upon a student's request, an instructor's decision not to provide an accommodation.
- g) Make every effort to ensure that Instructors and/or staff associated with field placements/practica understand and support the accommodation requirements of students with disabilities into account.
- h) Ensure that the provision of accommodations for students with disabilities is outlined in any Department/School or Faculty handbook. Student Accessibility Services, upon request, can provide appropriate wording.

F. Roles and Responsibilities of the Dean

As required, the disciplinary-specific Dean shall:

- a) Work in conjunction with the Department/School to ensure that all instructors are made aware of the Policy on Accommodations and Access for Students with Disabilities /Medical Conditions and Procedures Associated with the Policy on Accommodations and Access for Students with Disabilities /Medical Conditions.
- b) Within 3 Working Days, review, upon a student's request, a Chair or Director's decision not to provide an accommodation.
- c) Work with Student Accessibility Services and University Administration to identify and secure appropriate resources to implement necessary accommodation plans.

G. Roles and Responsibilities of Enrolment Services

Enrolment Services shall:

- a) Forward any accommodation requests and accommodation documentation provided by a student, to Student Accessibility Services.
- b) Coordinate, with support from Student Accessibility Services, all aspects of accommodations required for individual students with disabilities scheduled to write formal examinations.
- c) Ensure that security measures for such examinations are equivalent to those provided for all other exams administered by Enrolment Services.
- d) Collaborate with Student Accessibility Services in implementing accommodations where the requirements fall within the jurisdiction of Enrolment Services (e.g., the provision of special timetabling or classroom use).
- e) Make accommodations for convocation, in conjunction with Student Accessibility Services, with advance notice from the student or other relevant parties.

H. Roles and Responsibilities of Library Services

The Library shall:

- a) Make every reasonable effort to provide students with disabilities equal access to information, facilities and services.
- b) Collaborate with Student Accessibility Services in the provision of information in alternate formats.
- c) Make every reasonable effort to collaborate with Student Accessibility Services to ensure the provision of adaptive technology within the library to improve accessibility.

I. Roles and Responsibilities of Student Financial Aid & Awards

The Student Financial Aid and Awards Office shall:

- a) Collaborate with Student Accessibility Services in the administration of specialized funding according to government guidelines and University practices.
- b) Consider qualifications of all students when determining eligibility for University awards, scholarships or other opportunities.

J. Roles and Responsibilities of the Office of Human Rights and Equity Services

The Office of Human Rights and Equity Services promotes diversity and equity on campus and administers the Respectful Work and Learning Environment Policy. This office shall:

- a) Act as a resource for students, instructors and staff as to their rights and responsibilities under the Ontario Human Rights Code and related University policies;
- b) Assist, whenever appropriate, students, instructors and staff in the informal resolution of accommodation issues.
- c) Receive and resolve any informal or formal reports or complaints of discrimination based on accommodation and disability.

K. Responsibility of the University

The University shall:

- a) Ensure that appropriate training is made available to all university personnel in the accommodation of students with disabilities, consistent with their roles and responsibilities.
- b) Treat all students with respect; work to ensure that their confidentiality and privacy is maintained.
- c) Make every effort to develop an inclusive learning environment
- d) Be committed to treating all members of its community in a fair and equitable manner. The Senate Policy Regarding Academic Appeals is intended to ensure that students are treated fairly with regard to academic appeals. Students with disabilities may appeal when they believe that an inappropriate decision has been made. See Section III - Procedures for the Resolution of Disagreements.
- e) Promote and support an environment in which the duty to accommodate rests on the University as a whole. As necessary, the University, via Student Accessibility Services and with the assistance of other University

personnel and services, will facilitate the necessary arrangements (including financial obligations to the point of undue hardship) to implement accommodations.

II Specific Procedures for Accommodations

A. Accommodations for Courses

In order to coordinate any necessary arrangements, students and instructors, Chairs of Departments, Directors of Schools and Deans should pay close attention to the following procedures.

The provision of academic accommodations should not have a detrimental effect on other courses.

The student shall:

- a) Make their request for accommodation to Student Accessibility Services in a timely manner, identifying the courses for which accommodations are being sought. If accommodation requests and accommodation documentation have not been submitted at the application stage, new students to Lakehead must submit all required documentation to Student Accessibility Services as soon as possible after they have accepted their offer of admission to the University.
- b) Students returning to the University who have registered with Student Accessibility Services in the past and continue to require accommodations must contact Student Accessibility Services at the beginning of each term to discuss concerns about their courses and to identify required accommodations.
- c) Provide all relevant and recent medical documentation (from an approved regulated health- care professional) to substantiate their disability, identify any functional limitations and any resultant restrictions. (Where there is no existing documentation, the student must arrange for appropriate assessment of the disability. Student Accessibility Services may assist with these arrangements).

Student Accessibility Services shall:

- a) Send a confidential accommodation form to the instructor, or designate (copied to the student) once all documentation has been received and reviewed.

The form will include:

- i. The suggested accommodations based upon a review of the information and relevant and recent medical documentation (from an approved regulated health- care professional) and

any documentation related to the approved academic program essential requirements identified for the program/course.

The instructor shall:

- a) Review the suggested accommodation.
- b) Keep a copy of the suggested accommodation form if he/she agrees that the accommodation is appropriate. The form shall remain confidential and be stored securely.
- c) Work with Student Accessibility Services if the proposed accommodation plan is either inappropriate or ineffective to establish an agreed upon accommodation plan.
- d) Request a review of the suggested accommodation with the Academic Unit/Faculty Accommodation Team if the matter remains unresolved.
- e) Participate, as appropriate, in the Academic Unit/Faculty Accommodation Team to structure a suitable accommodation plan that meets the student's functional limitations and the essential requirements of the course/program.
- f) Imply consent with the suggested accommodation if the instructor has not made a Request for Review to the Academic Unit/Faculty Accommodation Team after five Working Days of the accommodation form being sent out.

B. Accommodations for Tests

The student shall:

- a) Contact Student Accessibility Services at least 10-14 days prior to the test to indicate that he/she will be taking the test/exam with Student Accessibility Services. Student Accessibility Services cannot guarantee accommodations if not notified within the timeline outlined above.
- b) Provide at least 24 hour's notice to Student Accessibility Services to cancel a booked test. Failure to do so will result in a fee if not disability/medically related.

Student Accessibility Services shall:

- a) Accommodate students who have scheduled the test with Student Accessibility Services following the procedures as outlined.
- b) Contact the instructor prior to the scheduled test date for specific instructions and to request a copy of the test.
- c) Have available the location where the student will be writing the test for the instructor to use in providing information or clarification to a student writing the test separate from the class. (phone SAS during regular business hours / posted on SAS doors outside of regular business hours)

The instructor shall:

- a) Provide the approved accommodations, with the assistance of Student Accessibility Services, and the Teaching Commons for online courses.
- b) Provide a copy of the test to Student Accessibility Services two working days prior to the scheduled day of the test.
- c) Drop off and pick up the test at Student Accessibility Services.
- d) Contact Student Accessibility Services using the designated contact information to convey to a student with a disability, who is writing the test separate from the class, any information or clarification provided to the rest of the class.
- e) Leave appropriate contact information (e.g. cell phone number) with Student Accessibility Services should Student Accessibility Services need to contact the instructor during the writing of the test.

C. Accommodations for Examinations

The student shall:

- a) Be registered with Student Accessibility Services to qualify for accommodations for examinations;
- b) For examinations scheduled during the formal December and April examination schedule, complete an exam accommodation form available through Student Accessibility Services once the exam timetable has been posted and no later than November 1st for the fall term and March 1st for the winter term. For the spring/summer term, students taking Online Courses must complete an exam accommodation form by the end of the first week of classes. (Enrolment Services is responsible for Online Courses with paper based exams, written on campus)
- c) All attempts will be made at exam time to accommodate students who are newly registered with Student Accessibility Services; however, some flexibility may be necessary depending upon the timing of the request.
- d) Provide at least 24 hour's notice to Enrolment Services to cancel a booked formal exam.
- e) For examinations outside of the formal examination schedule, refer to procedures in Section B "Accommodations for Test".

Enrolment Services shall:

- a) Schedule all formal examinations at the request of the instructors.
- b) Accommodate students who have completed the exam accommodation form

- by the deadline for all formal exams that have been officially scheduled by Enrolment Services.
- c) Continue to provide accommodations to students at the originally scheduled exam writing time when the instructor changes the scheduled time for that exam.
 - d) Schedule deferred examinations when accommodations cannot be made during the formal examination period due to time constraints. These examinations will be scheduled as soon as possible after the formal examination period, but not later than the next Special Examination period.
 - e) Notify the instructor of the location where the student will be writing the examination via the exam hotline number.
 - f) Convey to the instructor the designated contact information to use in providing information or clarification to a student writing the examination separate from the class.
 - g) Consult with Student Accessibility Services and the instructor to arrange a deferred examination date/time, in situations where accommodations cannot be provided during the scheduled exam period.

Student Accessibility Services shall:

- a) Provide support to Enrolment Services for technological needs.
- b) In consultation with Enrolment Services and the instructor, arrange a deferred examination date/time, in situations where accommodations cannot be provided during the scheduled exam period.
- c) For examinations outside of the formal examination schedule, refer to procedures in Section B, "Accommodations for Test".

The instructor shall:

- a) Provide the approved accommodations, with the assistance of Student Accessibility Services, Enrolment Services, and the Teaching Commons for online courses
- a) Provide a copy of the exam to Enrolment Services (or Student Accessibility Services in Orillia) two Working Days prior to the scheduled day of the exam or ensure the Print Shop was provided a copy as per their timelines.
- b) Leave appropriate contact information (room number, instructor's email address, cell phone #) with Student Accessibility Services should Student Accessibility Services need to contact the instructor during the writing of the exam.
- c) Contact Enrolment Services using the designated contact information to

- convey to a student with a disability, who is writing the exam separate from the class, any information or clarification provided to the rest of the class.
- d) Pick up completed exams from Enrolment Services (or the Security Office in Orillia).
 - e) Understand that accommodations will be provided to students at the originally scheduled exam writing time when the instructor changes the scheduled time for that exam.
 - f) In consultation with Student Accessibility Services and Enrolment Services, provide a deferred examination date/time in situations where accommodations cannot be provided during the scheduled exam period.
 - g) For examinations outside of the formal examination schedule, refer to procedures in Section B, "Accommodations for Test".

D. Accommodations for Research, Experiential, and Practicum Components of Study

Whether in undergraduate or graduate level studies, accommodations may be required for students with disabilities/medical conditions to complete research, experiential, and practicum components of their program including the completion of independent research and writing, field work or other kinds of community placements, and theses defences at the graduate level.

In the case of practicum requirements, an accommodation request shall be referred directly to the Accommodation Team of the Academic Unit. For research and experiential course requirements, consideration should be made to refer the request to the Accommodation Team of the Academic Unit.

E. Accommodations for Students Admitted to the Northern Ontario School of Medicine

Students admitted to the Northern Ontario School of Medicine who must comply with the academic accommodation policy and procedures as outlined by the Northern Ontario School of Medicine.

III PROCEDURES FOR THE RESOLUTION OF DISAGREEMENTS

A. Request for Review of Accommodation Plan

If an instructor does not consent to a recommended accommodation plan, he/she shall file a Request for Review with the Academic Unit/Faculty Accommodation Team (normally within five Working Days of receipt of the accommodation request). The Chair of the Accommodation Team will notify, in writing within two Working Days, the affected instructor(s) within the Academic Unit and the student, that a Request for Review has been initiated. Members of the Accommodation Team are encouraged to work with the student and the instructor to informally resolve any accommodation issues.

The Accommodation Team shall consult with appropriate units and individuals directly affected by the situation and will recommend accommodation for the student's functional limitations related to the disability or medical condition to the point of undue hardship while ensuring that all essential requirements of a course/program are fulfilled. The Chair of the Accommodation Team, after consultation, shall advise the instructor, the student, and the Chair/Director of the Academic Unit of the Committee's decision in writing.

B. Disagreement with Accommodation Team Decision

Should the student disagree with the decision of the Accommodation team they may make a formal complaint of discrimination to the Office of Human Rights and Equity. This complaint process is documented under Lakehead University's Human Rights Policy and Procedure (pending).

Should the instructor disagree with the decision of the Accommodation Team they may initiate a grievance in accordance with the Collective Agreement.

C. Accommodation Pending Review

The University recognizes that decisions involving accommodations must be made in a timely fashion to assist students in their on-going courses. In the event that a request for accommodation is under review, the instructor and Student Accessibility Services shall review the suggested accommodation plan to determine what portion of the plan, if any, is feasible to implement immediately.

If the final result of a review is that the requested accommodation cannot be granted and if no revised accommodation plan is possible or can be granted, the Chair/Director or Dean may recommend that a student be retroactively withdrawn from a course or a program without academic penalty. A limited tuition refund may be possible in some circumstances.

Appendix I

DOCUMENTATION GUIDELINES FOR STUDENTS WITH DISABILITIES/MEDICAL CONDITIONS

Introduction

Consistent with the Ontario Human Rights Code which protects people from discrimination and harassment because of past, present and perceived disabilities such as: physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, mental health disabilities and addictions, environmental sensitivities, and other conditions, students are not required to disclose their specific diagnosis in order to register with Student Accessibility Service (SAS) to receive academic accommodations.¹

Documentation must indicate that a disability / medical condition exists, if the disability is permanent, temporary or being assessed, the functional limitations and restrictions that may impact a student's education, and the practitioner's recommendations. Diagnosis of a condition or disorder does not in itself automatically qualify a student for any and all accommodations.

The Medical Documentation Form will ask for the broad area of the disability and the functional restrictions and limitations associated with the disability to support appropriate accommodations. The Ontario Human Rights Commission recognizes that Disability Services Offices have expertise in dealing with accommodation issues in the academic environment, and as such, play a vital role in assisting with the accommodation process. Students who wish to disclose their diagnosis to their SAS Advisor may voluntarily do so and this information will be treated with utmost confidence.

Documentation must come from a regulated health care professional who is licensed to diagnose the disability / medical condition. The following are examples of regulated health care professionals who may be appropriate to provide documentation, depending on the student's individual disability / health condition: Audiologist, Chiropractor, Neurologist, nurse Practitioner, Occupational Therapist, Optometrist, Ophthalmologist, Physician, Physiotherapist, Psychiatrist, Psychologist. All documentation must be on the practitioner's official letterhead OR include an official office stamp. If applicable, students are also asked to provide a copy of their Individual Education Plan (I.E.P.) or letter from the high school or previous post-secondary institution attended detailing the types of academic accommodations utilized in the past few years. This information will assist the University in determining the most appropriate aids, services and accommodations that will address the functional limitations of the disability.

¹ Note: evidence of a specific medical/ psychological diagnosis of disability may be required for the purpose of establishing eligibility for certain federally or provincially-funded bursaries and grants, and privately funded external scholarships and financial award.

Documentation Requirements

1. Students seeking academic accommodation for permanent or temporary disabilities / medical conditions will be asked to provide Student Accessibility Services (SAS) with written documentation from a licensed medical/psychological professional. SAS provides assistance to students who may require interim accommodation being assessed for a disability as defined by the Ontario Human Rights Code.
2. The medical/psychological documentation should clearly indicate that the student has been diagnosed with, or is being assessed for a disability as defined by the Ontario Human Rights Code.
3. The documentation should reflect current functional restrictions and limitations that may impact the student's academic participation and performance along with any other relevant information for supporting the student's accommodation.
4. The licensed professional shall be an independent, impartial individual. The documentation should be on letterhead and stamped or signed by the licensed professional.
5. Documentation and accommodations may need to be re-evaluated over time to ensure that they continue to meet the student's needs appropriately and as such students may be asked to provide updated medical/ psychological documentation for temporary or permanent disabilities and/or medical conditions.
6. With the express and informed consent of the student, SAS may consult with the practitioner named in the documentation when the accommodation needs are complex or where there is a need to clarify the information that has been provided regarding functional restrictions and limitations. If necessary other regulated health care professionals may be consulted.

Privacy & Confidentiality

7. SAS considers the privacy and confidentiality of students to be of paramount importance. Accordingly, all information provided to us and a student's involvement with SAS is considered private and confidential.
8. Documentation is maintained within locked filing cabinets within the offices of SAS. Information will be disclosed to others outside of SAS (e.g. Faculty, Teaching Assistants, and university staff) only with the express, informed consent of the student.
9. Students' involvement with SAS or the fact that they have received academic accommodations will never be identified on the student's official university records or academic transcripts.

Policy References and Resources:

Lakehead University Policy on Academic Accommodations for Students with Disabilities (approved April 2017)

Lakehead University Roles & Responsibilities of the Student (currently under review)

Lakehead University, Student Accessibility Services

Ontario Human Rights Commission, Policy and guidelines on disability and the duty to accommodate

Ontario Human Rights Commission, Policy on preventing discrimination based on mental health disabilities and addictions

Ontario Human Rights Commission, Guidelines on accessible education

Appendix II

ESSENTIAL REQUIREMENTS

The Lakehead University Policy on *Accommodation and Access for Students with Disabilities/Medical Conditions* describes the term 'essential requirement' as referring to knowledge or skill of a program or course that '...must be demonstrated to meet the learning outcomes of the course or program;' and that 'the knowledge or skill must be demonstrated in a prescribed manner.' Essential requirements are program requirements that students must meet whether they have received an accommodation or not.

An essential requirement is a term of art in human rights legislation referred to as "bona fide requirement" which are "real, authentic, immutable, and nonnegotiable without compromising the inherent nature of a task" (Sukhai & Mohler, 2017, p. 120). An academic essential requirement, or bona fide academic requirement, "is a component of an academic program which is determined to be an essential course, skill, experience, item of knowledge or outcome for the program, i.e., those components of a program that, in the reasonable view of the unit, cannot be waived without fatal consequences for the academic integrity of the program" (University of Manitoba, 2012, p. 163). In some instances, an essential requirement is "... something that legitimately *cannot* be accommodated because it is necessary that the person perform the task in a particular way or via particular methods or equipment, which could preclude a given accommodation. For example, palpating an organ must be done by the person opining on the condition of the organ, not by an assistant" (Roberts et al., 2014, p. 4). Yet, "...it may be that not all academic requirements are essential for the academic integrity of a given program, and would not be among the sub-set of 'bona fide' requirements" (University of Manitoba, 2012, p. 163).

The Ontario Human Rights Commission's (OHRC) *Guidelines on Accessible Education* indicates that 'An appropriate accommodation at the post-secondary level would enable a student to successfully meet the essential requirements of the program, with no alteration in standards or outcomes, although the manner in which the student demonstrates mastery, knowledge and skills may be altered. In this way, education providers are able to provide all students with equal opportunities to enjoy the same level of benefits and privileges and meet the requirements for acquiring an education without the risk of compromising academic integrity.' (Ontario Human Rights Commission, *Guidelines on Accessible Education*, 2004, p. 25).

Bona Fide Occupational Requirements (BFORs) and Essential Requirements

The concept of Bona Fide Occupational Requirement (BFOR) is the basis for workplace accommodation expectations, and arises out of case law on workplace discrimination (Roberts 2013: 92-105). The analysis required for determination of BFORs has focused upon assessing the relevance of employment requirements to the performance of particular employment tasks and expectations for accommodation. The core criteria for consideration can be summarized as follows: "(1) rationally connected to performance of a

job, (2) adopted in the good faith belief of its necessity, and (3) demonstrably necessary, to the point of incurring undue hardship” (Alberta Human Rights Commission, 2009, cited in Roberts et al 2014: p. 4).²

By extension to the academic context, Bona Fide Academic Requirements (BFARS) or essential requirements are the components of an academic program that cannot be accommodated.³ Roberts et al note that “...competencies, essential skills and abilities, expectations, requirements and other similar learning outcomes should meet the above three criteria to be deemed essential or *bona fide* requirements in the legal sense.” (Roberts et al 2014: 4).

Criteria for Determining Status of Essential Requirements

In cases where it is proposed that an essential requirement is deemed not to be amenable to accommodation, it is necessary to show why the requirement must be met without accommodation. The standard for determining that an accommodation is not appropriate is of necessity high, given the duty to accommodate.

Several tests can be applied to determine that status of essential requirements (Roberts 2013, p. 52):

- 1) What is being tested?
- 2) What is the nature of the task?
- 3) Does it have to be done in only one way?
- 4) If so, why?

Roberts indicates that “The reason something is done in a particular way, and whether the method can or cannot be modified for reasons relating only to the task, must be clarified in order to determine whether or not it can be accommodated.” (Roberts 2013, p. 52) Important also is the concept that requirements not have the impact of excluding members of a group with particular characteristics based on unjustifiable assumptions about the group (Roberts et al, p. 5). For example, a requirement might have the effect of excluding individuals with ADHD from becoming teachers based upon an assumption that ADHD is incompatible with the teaching profession.

Roberts et al. (2014, p. 4) note that ‘Denial of accommodation on the basis of ... essential requirement is only defensible after application of rigorous analysis of requirements reveals when and why it is not feasible to accommodate without impacting the integrity or nature of the task. Using the questions above to analyze requirements provides a consistent and reliable framework to determine what can and cannot be accommodated (Roberts, 2013).’

Non-Essential Requirements

² For Ontario Human Rights Commission language on essential requirements in the workplace, see OHRC 2016 *Policy on ableism and discrimination based on disability*, pp. 34-36.

³ For consistency the term ‘essential requirement’ is used in this document.’

It may be that not all academic requirements are essential and thus are considered “non-essential”. According to OHRC (2004), non-essential requirements are those that can be completed using alternative methods or waived altogether, and do not compromise the student’s ability to achieve the learning outcomes of the program. Such a determination requires consultation with the course instructor or the Department. For example, does an Education student with social anxiety need to demonstrate course content knowledge through a class presentation? It is often argued by faculty that pre-service students cannot be accommodated because teachers have to teach in front of school learners therefore pre-service students should be able to do the same. Is the essential requirement the ability to conduct a class presentation? to demonstrate course content knowledge, or both? If it is to demonstrate course content knowledge, then the ability to conduct a class presentation is not an essential requirement. Alternative ways of demonstrating this knowledge could include a presentation to only the instructor, a written assignment, an oral test, etc.

Lakehead University Program and Faculty Involvement

Lakehead University personnel responsible for academic programs (Deans, Chairs, Directors, Coordinators, faculty members) need to provide a coherent basis for determining the nature of essential requirements and the opportunities for accommodation. A cohesive analysis of programs, courses, and practical experiences such as placements, practica, and internships will need to be developed, in order to provide appropriate rationales for accommodation decisions, particularly in challenging cases. Essential requirements cannot be determined piecemeal by course; instructors should not be expected to be solely responsible for them.

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Appendix III

ACCOMMODATION TEAMS (AcT)

Preamble -

- a. each academic unit must be a member of one AcT and this AcT does not have to be within their home Faculty.
- b. the AcTs are expected to be initially based on programs but may evolve to be based on functional limitations or essential requirements. For example, programs such as Nursing, Education and Law may wish to have standalone AcTs while programs with minimal or no placement/practica requirements (such as the social sciences and/or humanities) may choose to join forces and support a single committee.
- c. each Faculty should support at least one AcT.

Membership

Each Faculty Dean in collaboration with the Chairs/Directors will determine the number of Accommodation Teams required for the Faculty.

The Faculty Dean shall appoint the Chair of the Accommodation Team.

Membership of the accommodation teams as appointed by the Dean includes:

- One full-time, tenure-track faculty member who will provide consistency for the committee and who has expertise and responsibilities in the area of student academic progress, normally the Chair/Director of the Academic Unit;
- Manager of Student Accessibility Services (SAS) or designate; and,
- One faculty/staff member with knowledge of the essential requirements of the course(s) for which the accommodation is requested.

The Accommodation Team may consult with or invite individuals to meetings, including instructors and students, as well as faculty with content or assessment expertise in a particular field of knowledge, or a Chair of Undergraduate programs, as needed.

Terms of Reference

1. The Accommodation Team is responsible for overseeing the process of facilitating accommodations of undergraduate and graduate students with disabilities/medical conditions in the Academic Unit, requiring non-standard accommodations, practicum/placement/field experience or to negotiate accommodation requests not supported by the instructor, and will:

- articulate specific accommodations for individual students based on their functional limitations;
- when required, notify appropriate authorities (i.e. practicum/placement/field

- experience supervisor) regarding the student's accommodation; and,
- provide a report to the AAC annually.

2. Committee members individually and collectively, shall deal with with matters before the Committee in such a way that ensures full accommodations based on the student's functional limitations, while maintaining the academic integrity of the University's programs as defined by the essential requirements of the program. In the event that agreement regarding the provision of student accommodations cannot be achieved, the provisions of III (B) will apply.

3. A confidential record of the AcT's proceedings and information regarding accommodations shall be kept secure in the office of the Committee Chair, and will include the following:

- The nature of the functional limitation(s), the nature of the accommodation, the dates of implementation, as well as any subsequent modifications to the original accommodations will be kept in the file.
- This information will not be placed in, or form part of, the student's academic file within the respective Academic Unit/Faculty.

Meetings

The frequency and scheduling of meetings shall be determined by the Committee. This committee will meet monthly and/or as required;

Quorum

A quorum of the AcT shall be three members.