

ACCOMMODATIONS AND ACCESS FOR STUDENTS WITH DISABILITIES/MEDICAL CONDITIONS

POLICY CATEGORY:

Student Related

APPROVED BY:

Senate

EFFECTIVE DATE:

April 30, 2001 [Revised 1 October 2010; xxxx]

Accommodations and Access for Students with Disabilities/Medical Conditions

Lakehead University is proud to be an institution that welcomes and supports a diverse student body. We are committed to fostering a campus community that is inclusive for all individuals, and ensuring that its services, supports and spaces are accessible for persons with disabilities/medical conditions. Accommodating students with disabilities/medical conditions requires the collaborative support of the entire university community.

Purpose

The purpose of this policy is to establish standards, in accordance with the Ontario Human Rights Code, the Ontarians with Disabilities Act, and the Accessibility for Ontarians with Disabilities Act (AODA) and associated policies and regulations, for ensuring equality of access and opportunity for students with disabilities, without discrimination. For the purpose of this policy medical conditions are termed “disabilities”.

Scope

This policy applies to:

1. Lakehead University students with a disability and to applicants that may require accommodation during the University Admissions process;
2. all students, staff, faculty, senior administrators, volunteers, and guests of the University in regard to the support required for successful accommodation; and,
3. all on-campus and off-campus university-sponsored activities (e.g. co-operative education placements, internship, collaborative programs, online learning, etc.).

Policy Statement

The Ontario Human Rights Code stipulates that every person has a right to equal treatment with respect to services, goods, and facilities, and to occupancy of accommodation and employment without discrimination because of disability (Ontario

Human Rights Code, Section 1, 2016). The University recognizes its duty to provide reasonable accommodation up to the point of undue hardship ("accommodations" in this Policy) to students with documented disabilities and for those seeking documentation, in its efforts to provide an accessible learning and working environment.

Lakehead University commits to:

1. ensuring 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;
2. ensuring accommodations are provided on an interim basis for students seeking documentation;
3. ensuring accommodations are available for students with temporary or permanent disabilities;
4. ensuring students are fully integrated and participating in their accommodation and its processes;
5. protecting the privacy, confidentiality, comfort, autonomy and dignity of students with disabilities;
6. exercising flexibility and creativity in the provision of academic accommodations in support of individualized accommodation;
7. meeting the needs of students with disabilities in a timely manner through the implementation of this policy and its related procedures and guidelines;
8. ensuring that students are not disadvantaged in any way as a result of seeking accommodation;
9. considering the rights of students with disabilities when developing and implementing admission requirements, courses, course requirements, assessment methods, examination dates, scholarships and awards, programs, services, and informational material; and,
10. providing ongoing training for staff, faculty, senior administrators, volunteers, and guests on understanding their role in the accommodation process including their responsibilities under the Code.

Definitions

Academic Accommodation

An academic accommodation is 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. Academic accommodations are intended to bridge the gap between a disability, the functional limitations that impair academic functioning, and the demonstration of course requirements. Such accommodations may be up to the point of undue hardship, and may not interfere with essential requirements.

Disability

The term “disability” covers 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 co-ordination, blindness or visual impediment, deafness or hearing impediment, 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*

(See Ontario Human Rights Code, Section 10, 2016)

Essential requirements

Essential requirements is a specific term used in human rights legislation, referring to 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. The test for essential knowledge and skills necessary to complete a course or academic program, is clearly set out and described as “indispensable, vital and very important” (Ontario Human Rights Commission, Guidelines on Accessible Education, 2004, p. 24). The Human Rights Code indicates that a right is not infringed if the person with a disability is incapable of performing or fulfilling the essential requirements because of a disability.

Determining what is and what is not an essential requirement is critical in distinguishing which requirements can and should be altered.

“Essential” can therefore be defined by two factors:

1. the knowledge or skill must be demonstrated to meet the learning outcomes of the course or program; and
2. the knowledge or skill must be demonstrated in a prescribed manner.

Non-essential requirements are those requirements that would not detract from the main purpose of the task, course or program if they were waived. (Ontario Human Rights Commission, Guidelines on Accessible Education, 2004, p.25)

Functional limitations

Functional limitations are 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) and are used to identify reasonable accommodations and in lieu of asking for diagnoses.

Resolution 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/Medical Conditions.

Accountability

1. The Vice-Provost, Student Affairs, is responsible for the implementation, administration and review of this Policy in coordination with the Office of Human Rights and Equity.
2. All members of the University community are responsible for complying with this Policy.

Review of Policy

The Vice-Provost, Student Affairs, will ensure that the Policy on Accommodations and Access for Students with Disabilities/Medical Conditions is reviewed every five years and will recommend any changes deemed necessary to the University Senate.

In the interim, this Policy may be revised or repealed if:

1. the Approving Body deems it necessary or desirable to do so;
2. the Policy is no longer legislatively or statutorily compliant; and/or
3. the Policy is now in conflict with another Governing Document.

Acknowledgements

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

ACCOMMODATIONS AND ACCESS FOR STUDENTS WITH DISABILITIES/MEDICAL CONDITIONS

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Accommodations and Access for Students with Disabilities/Medical Conditions

Lakehead University is proud to be an institution that welcomes and supports a diverse student body. We are committed to fostering a campus community that is inclusive for all individuals, and ensuring that its services, supports and spaces are accessible for persons with disabilities/medical conditions. Accommodating students with disabilities/medical conditions requires the collaborative support of the entire university community.

Purpose

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Introduction

purpose of this policy is to establish standards, in accordance with the Ontario Human Rights Code, the Ontarians with Disabilities Act, and the Accessibility for Ontarians with Disabilities Act (AODA) and associated policies and regulations, for ensuring equality of access and opportunity for students with disabilities, without discrimination. For the purpose of this policy medical conditions are termed “disabilities”.

Scope

This policy applies to:

1. Lakehead University students with a disability and to applicants that may require accommodation during the University Admissions process;
2. all students, staff, faculty, senior administrators, volunteers, and guests of the University in regard to the support required for successful accommodation; and,
3. all on-campus and off-campus university-sponsored activities (e.g. co-operative education placements, internship, collaborative programs, online learning, etc.).

Policy Statement

The Ontario Human Rights Code stipulates that every person has a right to equal

treatment with respect to services, goods, and facilities, and to occupancy of accommodation and employment without discrimination because of disability (1.1, 1.2, 1.5, 2008). Ontario Human Rights Code, Section 1, 2016). The University recognizes its duty to provide reasonable accommodation up to the point of undue hardship ("accommodations" in this Policy) to students with documented disabilities and for those seeking documentation, in its efforts to provide an accessible learning and working environment.

Lakehead University (hereafter referred commits to as the University), in accordance with the Ontario Human Rights Code, will make every

ensuring reasonable effort to provide both an accessible environment and appropriate support services academic accommodations for students with disabilities.

Policy in compliance with current legislation, while preserving

~~The University is committed to fostering an inclusive climate of equitable access, understanding and mutual respect which recognizes the dignity and worth of all persons, provides equal rights and opportunities without discrimination, and protects the privacy, confidentiality, comfort, autonomy and dignity of students with disabilities.~~

To preserve **the academic integrity** of the University, it is reaffirmed that all students must satisfy the essential requirements of their respective courses and programs while at the same time, recognizing that students with disabilities may require reasonable accommodations to enable them to do so. and

1. Lakehead University shall make reasonable and appropriate academic accommodations for students with disabilities in accordance with the terms of the Ontario Human Rights Code. This occurs through a collaborative process that acknowledges a collective obligation to develop an accessible learning environment that both meets the needs of students and preserves the **essential requirements of the University's programs and courses.** This policy reflects the shared responsibility of students with disabilities, instructors, Departments/Schools, Faculties, Student Accessibility Services (formerly known as the Learning Assistance Centre) and staff from other administrative offices to exercise flexibility and creativity in the provision of academic accommodations.

This policy applies to university sponsored business specifically relating to academic accommodations involving undergraduate and graduate students in full time and part time programs.

Definition

The definition of the term 'disability' for the purposes of this policy is as defined in the Ontario Human Rights Code (see http://www.e-laws.gov.on.ca/html/statutes/elaws_statutes_90h19_e.htm) but would include:

- Any degree of physical disability
- Mental impairment or developmental disability
- Learning disability
- Mental disorder
- Injury or disability for which benefits were claimed or received under the Workplace Safety & Insurance Act, (1997)
- The Code also specifies that ... the right to equal treatment without discrimination because of disability includes the right to equal treatment without discrimination because a person has or has had a disability or is believed to have or to have had a disability. 2001, c. 32, s. 27 (4).

2. An accommodation is a planned variation or ensuring accommodations are provided on an interim basis for students seeking documentation;
3. ensuring accommodations are available for students with temporary or permanent disabilities;
4. ensuring students are fully integrated and participating in their accommodation and its processes;
5. protecting the privacy, confidentiality, comfort, autonomy and dignity of students with disabilities;
6. exercising flexibility and creativity in the provision of academic accommodations in support of individualized accommodation;
7. meeting the needs of students with disabilities in a timely manner through the implementation of this policy and its related procedures and guidelines;
8. ensuring that students are not disadvantaged in any way as a result of seeking accommodation;
9. considering the rights of students with disabilities when developing and implementing admission requirements, courses, course requirements, assessment methods, examination dates, scholarships and awards, programs, services, and informational material; and,
10. providing ongoing training for staff, faculty, senior administrators, volunteers, and guests on understanding their role in the accommodation process including their responsibilities under the Code.

Definitions

Academic Accommodation

An academic accommodation is an individualized adaptation in the way a student receives one or more of the following: course curriculum and materials, participates in course activities and/or demonstrates mastery of course content. The purpose of an accommodation is to remove barriers that are not essential aspects of the learning process for those students who are otherwise academically qualified to 'successfully meet the essential requirements of the task, course or program, with no alteration in standards or outcomes, although the manner in which the student demonstrates mastery, knowledge or skills may be altered'. (Guidelines for Accessible Education, Ontario Human Rights Commission, 2004, page 29). Academic accommodations are intended to bridge the gap between a disability, the functional limitations which impede learning that impair academic functioning, and the demonstration of knowledge.

Documentation means a written evaluation or report provided by an appropriate and regulated health care professional substantiating a diagnosed disability. Refer to Appendix I of the 'Procedures Associated with the Policy on Academic Accommodation of Students with Disabilities' for full documentation guidelines.

In a university setting, essential requirements of a course/program, may include, but are not limited to, the knowledge and skills that must be acquired or demonstrated in order for a student to successfully meet the learning objectives of the course/program.—

Instructor refers to the primary instructor responsible for the instruction of the course and for assessing and determining a student's final grade in the course. In the event that a course is co-taught by two (or more) instructors each of the instructors is considered a primary instructor. For a course where a lab instructor is involved, the primary instructor is that individual ultimately responsible for the course and establishing the course grade.

~~Reference to the 'Student Accessibility Services' refers to the designated professional staff at either campus who are responsible for looking after the needs of those with disabilities. At the Orillia campus, students are directed to the Office of the Assistant Dean.~~

~~Registering (or registration) with Student Accessibility Services is not to be confused with the act of registration or registering in courses.~~

Principles Regarding Accommodation of Students with Disabilities

Duty to Provide Evidence of Disability

~~It is recognized that there is a duty on the part of the student to provide relevant and recent psychological or medical documentation substantiating his/her diagnosed disability provided by an appropriate and regulated health care professional. Documentation must be current and comprehensive and must demonstrate that the disability has an adverse impact on the student's ability to benefit equally from the University's educational services.~~

~~Should a student disclose a disability during the academic year and provide the appropriate documentation to substantiate the disability, any requirements. **Such accommodations** required begin at may be up to the point that the documentation is received. of undue hardship, and may not interfere with essential requirements.~~

Disability

~~The term "disability" covers 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 co-ordination, blindness or visual impediment, deafness or hearing impediment, 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*~~

~~(See Ontario Human Rights Code, Section 10, 2016)~~

Essential Duty to Accommodate

~~It is recognized that there is an obligation on the part of the University to make its services available to all students in a manner that does not discriminate. This duty involves accommodating students with disabilities in accordance with the terms of the Ontario Human Rights Code. Accommodation involves removing barriers for students with a disability in a way that respects their dignity and provides them with equality of opportunity.~~

~~Once accommodated, and hence provided with an equal opportunity, it is the student's responsibility to follow accommodation procedures and meet the essential requirements of a course/program.~~

requirements

Essential requirements is a specific term used in human rights legislation, referring to 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. The test for essential knowledge and skills necessary to complete a course or academic program, is clearly set out and described as “indispensable, vital and very important” (Ontario Human Rights Commission, Guidelines on Accessible Education, 2004, p. 24). The Human Rights Code indicates that a right is not infringed if the person with a disability is incapable of performing or fulfilling the essential ~~duties or~~ requirements because of a disability.

Limitations on Duty to Accommodate

Undue Hardship: The University is required to accommodate students with disabilities to the point of 'undue hardship'. The Ontario Human Rights Code identifies three (3) factors that are to be considered in assessing whether a requested accommodation would cause undue hardship. These are: (1) cost, (2) availability of outside sources of funding, and (3) health and safety requirements. There may be other factors that are relevant, including, but not limited to, the degree that an accommodation negatively impacts other students, staff, and instructors, and/or the academic integrity of the program. Costs are considered in the context of the University as a whole, not on the basis of a particular Department, Faculty or program. The onus is on the University to prove 'undue hardship'.

Determining what is and what is not an essential requirement is critical in distinguishing which requirements can and should be altered.

“Essential” can therefore be defined by two factors:

1. the knowledge or skill must be demonstrated to meet the learning outcomes of the course or program; and
2. the knowledge or skill must be demonstrated in a prescribed manner.

Non-essential requirements are those requirements that would not detract from the main purpose of the task, course or program if they were waived. (Ontario Human Rights Commission, Guidelines on Accessible Education, 2004, p.25)

Functional limitations

Functional limitations are 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) and are used to identify reasonable accommodations and in lieu of asking for diagnoses.

~~Essential Requirements: The University is required to make efforts to reasonably accommodate a student with a disability when the disability precludes the student from fulfilling the essential requirements of a course/program. In some circumstances, the nature and degree of a disability may mean that no accommodation would enable an individual to meet the essential requirements of a course/program. In these cases, the University is not required to accommodate and may refuse accommodations in order to meet the essential requirements and to preserve the academic integrity of a course/program.~~

~~A person cannot be presumed incapable of performing the essential requirements of a course/program unless an effort has been made to explore all reasonable options for accommodations. In a university setting, the essential requirements of a course/program may include, but are not limited to, the knowledge and skills which must be acquired or demonstrated in order for a student to successfully meet the learning objectives of the~~

course/program. The onus is on the University to prove the essential requirements of a course/program and that no reasonable accommodations would enable the student to meet those requirements.

Confidentiality

The University is concerned with protecting the privacy and confidentiality of all students. At the same time, the University requires sufficient information to reasonably evaluate and respond to a student's requests for accommodation. For this reason, students are required to provide information concerning the nature of their disability, their needs and restrictions. All documentation relating to disability is held by the appropriate professional staff, as designated by the University, in a secure location.

In registering with the University's Learning Assistance Centre, the accommodation process may require that the student disclose such information to staff and instructors beyond Student Accessibility Services on the basis that these staff and instructors 'need to know' this information to perform their duties under the terms of this policy. All personal information disclosed to such staff or instructors shall be kept strictly confidential and subject to adherence to the Freedom of Information and Protection of Individual Privacy Policy.

Accommodation Specific to Individual

In fulfilling its obligations to accommodate students with disabilities, the University recognizes that the needs of each student with a disability must be individually assessed to determine the appropriate accommodations. Students having the same disability may have different needs and may receive different accommodations.

Flexibility

The provision of accommodations for students with disabilities will require that students, instructors and administrative staff all exercise creativity and flexibility in crafting solutions that both meet the needs of the students, and preserve the essential requirements of the University's courses/programs.

Resolution 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 student, Instructors and Student Accessibility Services, efforts to resolve the issues will be made involved parties, resolution will be sought using the Procedures Associated with the Policy on Academic Accommodations of and Access for Students with Disabilities./Medical Conditions. ~~The principles stated in this policy will be used in resolving outstanding issues.~~

Accountability

1. The Vice-Provost, Student Affairs, is responsible for the implementation, administration and review of this Policy in coordination with the Office of Human Rights and Equity.
2. All members of the University community are responsible for complying with this Policy.

Review of Policy

The Vice-Provost (Student Affairs) will ensure that the Policy on ~~Academic Accommodation of Accommodations and Access for~~ Students with Disabilities/Medical Conditions is reviewed ~~within three~~ every five years and will recommend any changes deemed necessary to the University Senate.

In the interim, this Policy may be revised or repealed if:

1. the Approving Body deems it necessary or desirable to do so;
2. the Policy is no longer legislatively or statutorily compliant; and/or
3. the Policy is now in conflict with another Governing Document.

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