

(807) 343-8522

(807) 343-8679

vprovost-sa@lakeheadu.ca

MEMORANDUM

Date: May 13, 2010

To: Karen Roche, Secretary of Senate

From: Marian Ryks-Szelekovszky
Vice-Provost (Student Affairs)

Subject: Policy on Academic Accommodation of Students with Disabilities

Background:

Lakehead University Senate approved a policy in April 2001 entitled: "Accommodations for Students with Disabilities, Policy and Procedures Concerning".

In February 2008, the Senate Academic Committee struck a working group and tasked that group to review the 2001 policy and the procedures embedded within it. The intent of the review was to update the policy and bring it into line with similar policies at other Ontario universities, to ensure compliance with the Ontario Human Rights Code, and to ensure it complied with the Association of Ontarians with Disabilities Act. Moreover, there was a desire to separate policy from procedural issues.

Process:

The working group consisted of the Manager of the Learning Assistance Centre, the Registrar, the Vice-Provost (Student Affairs), and the Associate Vice-President (Academic). A recent draft was reviewed by six faculty members each representing a different Faculty, and the University Librarian.

Revisions to the policy and the procedural document were formulated based upon the policies of eight Ontario universities but with special focus on those from McMaster, Ryerson, and Brock. In addition, COU Academic Colleague working papers from both John Logan and Marilyn Rose were consulted as was a legal opinion by Hicks Morley Stewart Storie LLP on accommodating students with disabilities which was presented at a conference in October 2009.

The current policy which is being presented for approval to Senate provides greater clarity on the definition of "disability". Moreover, it provides clearer principles regarding the accommodation of students with disabilities.

This policy and the procedures related to this policy will better enable the Lakehead University community to work together (faculty and staff alike) towards the provision of reasonable accommodations of those students with a disability while ensuring that both the academic integrity of the course is safeguarded and that students meet the essential requirements therein.

Policy on Academic Accommodation of Students with Disabilities

Effective Date: April 30, 2001 (Revised XXXXXXX)
Approved by: Senate

Introduction

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 (I.1, I.2, I.5, 2008).

Lakehead University (hereafter referred to as the University), in accordance with the Ontario Human Rights Code, will make every reasonable effort to provide both an accessible environment and appropriate support services for students with disabilities.

Policy

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.

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, 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).

An accommodation is a planned variation or adaptation in the way a student receives one or more of the following: course 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 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 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 “Learning Assistance Centre” 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 the Learning Assistance Centre 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 accommodations required begin at the point that the documentation is received.

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.

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”.

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 the Learning Assistance Centre 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

In the event that agreement regarding the provision of accommodations cannot be achieved between the student, Instructors and the Learning Assistance Centre, efforts to resolve the issues will be made using the ***Procedures Associated with the Policy on Academic Accommodations of Students with Disabilities***. The principles stated in this policy will be used in resolving outstanding issues.

Review of Policy

The Vice-Provost (Student Affairs) will ensure that the ***Policy on Academic Accommodation of Students with Disabilities*** is reviewed within three years and will recommend any changes deemed necessary to the University Senate.

Draft