

Senate Policy

Academic Accommodations for Students with Disabilities Policy

1.5

Description:

This policy outlines the principles, roles and responsibilities involved in providing academic accommodations for students with disabilities.

Approvals:

Approved by Teaching and Learning Committee: December 15, 2015
Approved by Senate Academic Standards Committee: February 3, 2016
Approved by Senate Academic Policy and Planning Committee: February 8, 2016
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Signature: b.h. Yael, Chair

Policy:

I. INTRODUCTION

OCAD University herein referred to as “the University” values accessibility, cultural diversity, equitable global citizenship, art and design advocacy, aesthetic and formal excellence, sustainability and entrepreneurship. The University is accountable for and committed to providing a working and learning environment that is accessible and inclusive to all persons who work, study or visit, and strives to provide services in a way that respects the dignity, confidentiality, self-esteem and independence of persons with disabilities.

The University recognizes that the provision of academic accommodations for students with disabilities is a collaborative process with shared responsibility among all stakeholders. The Centre for Students with Disabilities (CSD) has subject matter expertise in the area of disability, accessibility and academic accommodations and

oversees and coordinates the student academic accommodation process.

Course curriculum, delivery methods and evaluation methodologies should be designed inclusively from the outset, since barrier prevention is preferable to barrier removal. Even where the principles of inclusive or Universal Design for Learning (UDL) have been fully implemented, some barriers may continue to exist for students with disabilities. Where barriers exist, the duty to accommodate requires the University to make accommodations up to the point of undue hardship to provide equal access for students with disabilities. Academic accommodations for students with disabilities are governed by the: [Ontario Human Rights Code](#) (OHRC), [Ontarians with Disabilities Act](#) (ODA, 2001), and the [Accessibility for Ontarians with Disabilities Act](#) (AODA, 2005).

This policy reflects the responsibilities of students with disabilities, instructors, departments, academic units, faculties, and administrative staff in meeting both the University's mission of an accessible, inclusive and supportive learning environment and the legal duty to accommodate.

II. **PURPOSE**

This policy aims to:

- 2.1** Foster and maintain a climate of understanding and mutual respect for the dignity and worth of all persons and to protect the privacy, confidentiality, self-esteem and autonomy of all students including those with disabilities;
- 2.2** Ensure that students with disabilities are accommodated in accordance with the University's legal responsibilities under the terms of the **Ontario Human Rights Code**, which promotes inclusion and full participation;
- 2.3** Preserve the academic integrity of the University by re-affirming that all students must satisfy the essential requirements of their respective courses and programs, while also recognizing that students with disabilities may require academic accommodations to enable them to do so;
- 2.4** Define the roles and responsibilities, including legal responsibilities, for instructors, departments, academic units, faculties, and all University personnel in the provision of academic accommodations; and
- 2.5** Define the roles and responsibilities of students.

III. **PRINCIPLES REGARDING ACADEMIC ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

- 3.1** The principles of accommodation involve the following three factors:

- a) **Respect for dignity:** Accommodations should be considered along a continuum from those that most respect a student's right to privacy, autonomy and dignity, to those that least respects them. The University will fashion accommodation solutions in a manner that respects the dignity of students with disabilities, at the highest level in the continuum achieved. Respect for dignity also includes taking into account how an accommodation is provided and the student's own participation in the process. The University has a duty to maintain a positive environment for all persons they serve. The University will address any behaviour that may be injurious to the dignity of students with disabilities.
- b) **Individualized accommodation:** There is no set formula for accommodation. Each student's needs are unique and must be considered afresh when an accommodation request is made. At all times, the emphasis must be on the individual student and not on the category of disability. Differential treatment may sometimes be required to provide students with an equal opportunity to achieve full benefit from the educational environment.
- c) **Inclusion and full participation:** The University will make efforts to build or adapt educational services to accommodate students with disabilities in a way that promotes their inclusion and full participation.

3.2 Promoting inclusive design:

The OHRC's Policy and Guidelines on Disability and the Duty to Accommodate ("Disability Policy") and the United Nations Educational, Scientific, and Cultural Organization (UNESCO) assert that, from the outset, the University has an obligation to design their academic facilities, programs, policies and services inclusively. This means that the University needs to be aware of both the differences between students and differences that characterize groups of individuals when making design choices to avoid creating barriers. Course curriculum, methods of delivery and evaluation should be designed inclusively from the outset. Inclusive design emphasizes equal participation and recognizes that all students have varying abilities and needs. The method of design may involve an entirely different approach and it is based on positive steps needed to ensure equal access for those who have experienced historical disadvantage and exclusion from society's benefits.

3.3 Right to accommodation:

The Code asserts that all students have a right to full participation and integration into the University and to "access their environment and face the same duties and responsibilities as everyone else, with dignity and without impediment" ([Guidelines on Accessible Education](#), 2004, OHRC). Accessibility includes accessible curricula, teaching and assessment, as well as the provision of the necessary supports and accommodations to ensure that students with disabilities have equal opportunity in their education.

3.4 Duty to accommodate:

There is a legal obligation on the part of the University, and its employees, to make its services available to all students in a manner that does not discriminate. The duty involves accommodating students with disabilities in accordance with the terms of the **Ontario Human Rights Code**. Accommodation involves removing barriers and providing academic accommodations for any remaining needs of students with disabilities, in a way that respects their dignity and provides equal opportunity.

3.5 Duty to inquire about accommodation needs:

In general, the duty to accommodate a disability exists for needs that are known. However, in some circumstances, a disability may leave an individual unable to identify that they have a disability, or that they have accommodation needs. The University must attempt to help a person who is clearly unwell or perceived to have a disability by inquiring further to see if the person has needs related to a disability and offering assistance and accommodation. When the University is aware, or reasonably ought to be aware, that there may be a relationship between a disability and someone's performance, the organization has a "duty to inquire" into that possible relationship before making a decision that would affect the person adversely. Once any disability-related needs are known, the legal onus shifts to those with the duty to accommodate.

3.6 Duty to provide documentation:

When a person with a disability is requesting accommodations, the accommodation provider is entitled to verify both that a disability exists and the nature and extent of relevant restrictions or limitations. Reports from experts may be of assistance in determining the most appropriate accommodation(s). Students requesting accommodations from the University have a responsibility to provide sufficient information about their disability-related needs to facilitate the academic accommodation process.

The documentation provided should include:

- Confirmation that the student has a disability or medical condition;
- The functional impact/limitation or needs associated with the disability or medical condition; and
- Recommendations of the type of accommodation(s) that may be needed to allow the student to fulfill the essential duties or requirements of their course/program of study.

The staff at the Centre for Students with Disabilities (CSD) have expertise in managing academic accommodation requests in the academic environment and, as such, play a vital role in the accommodation process. Students may choose to provide the CSD with more detailed information about their disabilities, in order to facilitate the academic accommodation process.

There may also be some instances where a student will be asked to produce a medical diagnosis of their disability for the purposes of establishing eligibility for student funding programs.

Students with perceived disabilities will receive interim supports, if applicable, from the CSD while they seek the verifying documentation.

The University is not expected to diagnose illness or “second-guess” the health/disability status. An accommodation provider is not entitled to substitute its own opinion of the disability for that of medical documentation provided by a doctor. Similarly, an accommodation provider must not ask for more confidential medical information than what is necessary because it doubts the person’s disclosure of their disability based on an impressionistic view of what a disability should “look like.”

3.7 Limitation of the duty to accommodate:

- a) 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:

- cost;
- availability of outside sources of funding, and;
- health and safety requirements.

No other considerations can be properly considered. Accommodation may simply involve making policies, rules and requirements more flexible. While doing this may involve some administrative inconvenience, inconvenience by itself is not a factor for assessing undue hardship. To claim undue hardship, the organization responsible for making the accommodation has the onus of proof. It is not up to the person with a disability to prove that the accommodation can be accomplished without undue hardship.

The nature of the evidence required to prove undue hardship must be objective, real, direct and, in the case of cost, quantifiable. The organization responsible for accommodation 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 impressionistic views or stereotypes will not be sufficient.

Accommodation is a process and is a matter of degree, rather than an all-or-nothing proposition, and can be viewed as a continuum. The highest point in the continuum of accommodation must be achieved, short of undue hardship. At one end of this continuum is full accommodation that most respects the person's dignity and promotes

confidentiality. Alternative accommodation (that which would be less than “ideal”) might be next on the continuum when the most appropriate accommodation is not feasible. An alternative (or “next-best”) accommodation may be implemented in the interim, while the most appropriate accommodation is being phased in or put in place at a later date when resources have been allocated.

Determining the “most appropriate” accommodation is a separate analysis from determining whether the accommodation would result in undue hardship. If there is a choice between two accommodations that equally respond to the person’s needs in a dignified way, then the accommodation provider is entitled to select the one that is less expensive or less disruptive to the organization.

b) Essential requirements

In a university setting, essential requirements 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 outcomes of the course or program. The University is legally required to make efforts to appropriately accommodate a student with a disability when the disability precludes the student from fulfilling the essential requirements of a course or 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. In these cases, the University is not required to accommodate and may refuse accommodations in order to preserve the academic integrity of a course or program. However, a person cannot be presumed incapable of meeting the essential requirements unless an effort has been made to explore all appropriate options for academic accommodations. The onus is on the University to prove the essential requirements of a course or program and that no academic accommodations would enable the student to meet those requirements.

3.8 Confidentiality:

It is important that the University actively promotes an environment that ensures students feel safe disclosing a disability. Maintaining confidentiality for students with disabilities is an important procedural component of the duty to accommodate. The University requires sufficient information to reasonably evaluate and respond to a student’s request for accommodations. For this reason, students requesting academic accommodations are required to provide information pertaining to their disability and its impact to the CSD. Personal information that identifies that a student has a disability should remain exclusively with the CSD in a secure filing system away from the student’s academic record, to protect the student’s privacy. This is meant to protect the University from allegations of discrimination, as well as the student from potential discriminatory practices. At times, the accommodation process may require that the student disclose information regarding the impact of their disability to other staff and instructors on a need-to-know basis such that specific responsibilities can be met under the terms of this policy. All personal information disclosed is governed by **OCAD University’s Privacy and Personal Information Collection Procedures**.

3.9 Related Policies

- Respectful Work and Learning Policy
- Accessible Customer Service Policy

IV. ROLES AND RESPONSIBILITIES

Although the person seeking accommodation has a duty to assist in securing appropriate accommodation that will meet their needs, they are not responsible for originating a solution or leading the accommodation process. It is ultimately the University's responsibility to determine and implement solutions, with the co-operation of the person seeking accommodation.

Often, a number of parties might be involved in the accommodation process. Everyone should co-operatively engage in the process, share information and avail themselves of potential accommodation solutions. It is in everyone's best interests that congenial and respectful relationships be maintained throughout the accommodation process.

Summary of Responsibilities

Operational responsibilities for the implementation of the Policy are shared by all members of the University community. Some areas of the University, however, are specifically accountable for implementing portions of this policy.

4.1 Students:

The University recognizes the importance of a student's experience and knowledge with respect to their disability and its impact on learning. This being the case, it is imperative that the student with the disability participate fully in the academic accommodation process.

To ensure that the Centre for Students with Disabilities (CSD) has sufficient time to properly review and coordinate academic accommodation requests, students are responsible for submitting their requests for academic accommodations and associated documentation in a timely manner. Some accommodations may take longer to arrange (e.g., sign language interpreters and alternate format course material) than others, and students with these types of requests should be particularly cognizant of the timing of their requests. Failure to make a request or supply the required documentation in a timely manner may delay the implementation of the requested accommodation.

4.2 The Student shall:

- Advise the University of the need for academic accommodations by registering with the CSD;
- Make their needs known to the best of their ability;
- Answer questions and provide the CSD with current supporting documentation

regarding their disability and its impact; such documentation is to be provided by an approved and regulated health care professional and to be recent and relevant in nature;

- Participate in discussions regarding possible academic accommodation solutions for the development of an academic accommodation plan;
- Discuss with the CSD, their instructor, their program or faculty, any concerns they may have about whether or not they will be able to meet the essential requirements (learning outcomes) of a course or program prior to the beginning of the academic term;
- Co-operate with any experts whose assistance is required;
- Inform their instructors, as soon as possible, for each course where academic accommodations are requested; or to request that the CSD inform instructors, if preferred;
- Meet the essential requirements once academic accommodations are provided;
- Fulfill agreed upon responsibilities, as set out in the academic accommodation plan;
- Work with the CSD on an ongoing basis to manage the academic accommodation process;
- Notify the CSD, and other appropriate parties (e.g., instructors) on a need to know basis, about any changes to their academic accommodation needs;
- Advise the CSD of difficulties they may be experiencing in accessing educational life, including concerns with their arranged academic accommodations.

4.3 Instructors and Teaching Assistants:

Instructors and teaching assistants play a vital role in shaping a student's post-secondary experience as well as maintaining the University's academic standards. Instructors and teaching assistants have a duty to educate themselves about disability-related issues, to interact with students in a non-discriminatory manner, to engage in the accommodation process, and to provide appropriate academic accommodations.

4.4 The Instructor and/or Teaching Assistant shall:

- Determine course content, general methods of teaching, textbooks and resources so that any necessary academic accommodations (e.g., alternative formats of print or video/audio materials) can be in place for the beginning of the academic term;
- Identify, upon request, and with the assistance of their academic unit, the essential requirements of the course;
- Advise students of available accommodations and support services, and the process by which these resources may be accessed;
- Refer students who identify as having a disability or suspected disability who are requesting disability-related academic accommodations to the CSD;
- Take an active role in collaborating with the CSD to ensure that alternative approaches and possible accommodation solutions are investigated while still

- maintaining the essential requirements of the respective course/program;
- Obtain opinion or advice from their Chair, Graduate Program Director, Associate Dean, Dean, Director of Continuing Studies, and the CSD, when needed;
- Maximize a student's right to privacy and confidentiality, including only sharing information regarding the student's accommodation request, as needed, with those directly involved in the accommodation process;
- Work with the student, CSD, Chair, Graduate Program Director, Associate Dean, Dean, and Director of Continuing Studies, when needed, to explore alternative forms of accommodations in the event that the student or instructor find that the current academic accommodations are not working well based on the impact of the student's disability and/or the nature/type of course;
- Notify the student and the CSD if there is a concern regarding an academic accommodation. The instructor will work in collaboration with the student, the CSD and other relevant parties, as appropriate, to resolve any concerns regarding individual academic accommodations;
- Attempt to help a student who is clearly unwell or perceived to have a disability by inquiring further to see if the student has needs related to a disability and informing the student of the support services available on campus, such as the CSD and the Health & Wellness Centre. Alternatively, Instructors and/or Teaching Assistants may consult with their Chair, Associate Dean, CSD and/or Associate Vice-President, Students. If the student appears to be in distress, follow the Protocol for Supporting Students in Distress;
- Provide the CSD, upon request and in a timely manner, with the required information regarding assessment requiring CSD facilitation, in accordance with the timeline(s) specified by the CSD;
- Ensure that the classroom environment is welcoming and that all students treat one another with respect;
- Take immediate remedial action in situations where bullying and harassment are or may be taking place.

4.5 Centre for Students with Disabilities (CSD):

The CSD has the primary responsibility for determining appropriate academic accommodations and facilitating the provision of services and supports for students with disabilities in order to assist students in meeting the essential requirements (learning outcomes) of their course or program.

4.6 The CSD shall:

- Accept a student's request for accommodation in good faith (even when the request does not use any specific formal language), unless there are legitimate reasons for acting otherwise. Students with perceived disabilities will receive interim supports, if applicable, from the CSD while they seek the verifying documentation;
- Review the medical and/or psychoeducational documentation and its appropriateness for supporting the requested academic accommodations;

- Make referrals to appropriate professionals when assessment and/or treatment services are needed;
- Ensure that confidentiality is maintained, subject to disclosure for the provision of academic accommodations, as consented by the student, and adhering with the appropriate Human Rights and privacy legislation and the limits of confidentiality;
- In consultation with the student and appropriate University staff, as needed (e.g., Instructors, Chairs, Associate Deans, Deans, Graduate Program Directors, Director of Continuing Studies, etc.), develop an academic accommodation plan for each qualified student, based on the student's needs and any available course or program information and requirements; this plan shall be reviewed each academic year or as needed and may require revision as the student's needs and course requirements may change;
- Provide education and support to instructors, departments, academic units, faculties, and other administrative staff, regarding the provision of academic accommodations as well as disability-related issues;
- Communicate with the student and instructor, as needed, throughout the term to ensure the effectiveness of the academic accommodation plan;
- When necessary, work with the instructor and student to adjust academic accommodations that support the student while maintaining the academic integrity of the course or program;
- Schedule and facilitate accommodated tests/exams when requested by the student;
- Coordinate academic accommodation requests in a timely manner;
- Ensure the policy is interpreted and applied to promote the University's interest in supporting a safe and inclusive learning environment for all students.

4.7 OCAD University:

The University shall:

- Ensure that the school environment is welcoming and that all students treat one another with respect;
- Be accountable for and committed to providing academic accommodations for students with disabilities;
- Ensure the appropriate resources, including support for faculty, to meet the conditions under the policy;
- Take steps to include students with disabilities in in-class and extra-curricular activities;
- Review the accessibility of the educational institution as a whole, including all educational services;
- Design and develop new or revised facilities, services, policies, processes, courses, programs or curricula inclusively, with the needs of persons with disabilities in mind;
- Ensure that the costs of accommodation are spread as widely as possible.

V. RESOLVING CONCERNS REGARDING ACADEMIC ACCOMODATIONS

Academic accommodations aim to facilitate equality of treatment by addressing and seeking to remedy the disadvantages encountered by persons with disabilities as a consequence of structuring institutions and educational services in ways that (often inadvertently) better meet the needs of the dominant group.

The **Ontario Human Rights Code** and OCAD U's Respectful Work and Learning Environment Policy (*RWLEP*) provides the right to be free from discrimination, and there is a corresponding legal duty to accommodate disability-related needs to the point of undue hardship and to keep environments and services free from harassment and discrimination because of disability. Failure to meet the procedural or substantive duty to accommodate students with disabilities could amount to discrimination under the **Ontario Human Rights Code** and a violation of **OCAD U's *RWLEP***.

- 5.1 Students and instructors should discuss any concerns regarding the academic accommodation plan with the student's primary advisor in the CSD. The Chair, Graduate Program Director, and Director of Continuing Studies may be consulted as needed.
- 5.2 If the concern(s) regarding the academic accommodation plan is not resolved, the Director of the CSD shall discuss the situation with the student's primary advisor in the CSD, the student and/or the instructor (as applicable). Depending on the outcome of this discussion, further consultation may take place with relevant academic administrators only as necessary. This may include additional input from the Chair, or Dean or designate (for undergraduate students), the Graduate Program Director, Dean or designate (for graduate students), or the Director of Continuing Studies (for Continuing Studies students), and/or other relevant staff/departments/academic units who may have expertise that will assist in clarifying the essential requirements of the course or program and/or may generate additional academic accommodation options. Following this consultation, if applicable, the Director of the CSD shall determine an appropriate revised academic accommodation plan. Every effort shall be made to complete this review process in a timely manner and to protect confidentiality throughout.
- 5.3 Where an instructor raises challenges to an academic accommodation plan that falls outside the grounds noted in section 3.7, and the CSD has been unsuccessful in achieving a resolution of the instructor's concerns, the CSD shall advise the instructor of the legal responsibility to provide academic accommodations relative to the essential requirements (see Grading Policy #1021 for reference to learning outcomes) and refer the matter to their Associate Dean, as required, to resolve differences pertaining to the academic accommodation plan.
- 5.4 If the student does not agree with the academic accommodation plan, they may

appeal the proposed academic accommodation plan or the decision not to provide the requested academic accommodation through the appeal process.

- 5.5 An appeal can be initiated by the student, through a formal written request, to their respective Dean. The written request must include the grounds for appeal.
- 5.6 The Dean will review the appeal request and discuss the situation with the relevant parties and then render a decision.

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Appendix A

Definitions

- **Academic Accommodations:**
Refers to a planned variation in the way a student with a disability receives course curriculum and materials, participates in course activities, or demonstrates competency of course content and skills through evaluation and assessment.
- **Disability:**
The definition of ‘disability’, for the purposes of this Policy, is as defined in the **Ontario Human Rights Code**.
- **Disability Documentation:**
Refers to any and all documents verifying that a student has a disability, and to understand the impact of the disability and any resulting impact it has on the student. Please visit the **Centre for Students with Disabilities’** website for more information.
- **Academic Integrity – Essential Requirements:**
Essential requirements are the learning outcomes, or skills, knowledge or attributes that must be achieved at a designated level in order for a student to be successful in the course. In order to achieve a learning outcome, there are usually a series of learning tasks or objectives that must be undertaken. It is often with these learning tasks/objectives that students require academic accommodations.
- **Instructor:**
For the purposes of this document, instructor means teaching staff, which may include faculty and instructional staff.
- **Undue Hardship Standard:**
The Ontario Human Rights Code and the Ontario Human Rights Commission’s policies establish that appropriate factors for assessment of undue hardship include cost, outside sources of funding, if any, and health and safety requirements. As clarified in the **Disability Policy**, factors that may be incorrectly seen by some to be “reasonable” (such as third-party preference, business inconvenience, and employee morale), are excluded – that is, not part of a defense to a refusal to accommodate.

Section 3.4.1 of **the Disability Policy** (“Undue Hardship”) describes both appropriate and excluded factors in detail. Of particular note is the sub-section on cost (3.4.1 b), which states that costs will amount to undue hardship if they are:

- quantifiable;
- shown to be related to the accommodation; and
- so substantial that they would alter the essential nature of the enterprise, or so significant that they would substantially affect its viability.

- **Students:**

For the purposes of this document, the term students applies to part time, full time, OSAP eligible and non-OSAP eligible, international, undergraduate, graduate, and/or continuing education program students.

Additional Resource:

The Policy on Academic Accommodations for Students with Disabilities has been developed as a complement to the University's Respectful Work & Learning Environment Policy (*RWLEP*). The Office of Diversity, Equity and Sustainability Initiatives (ODESI) plays a critical role ensuring a fair and effective administration of OCAD U's human rights policies and providing subject matter expertise on the principles of human rights, equity and accessibility and related obligations in the resolution of complaints. ODESI administers the *RWLEP* and all stakeholders may contact ODESI to ask a question or raise a concern about an accommodation being provided, the process to receive an accommodation, or to seek assistance in resolving an accommodation issue. Section 5 of the *RWLEP* provides all students with the right to participate and learn in an environment that promotes equal opportunities and prohibits discriminatory practices and to make a complaint and have the complaint investigated pursuant to the *RWLEP*.