Guide for Students with Disabilities

Purpose of This Guide

The purpose of this Office of the Ombudsperson guide is to provide information and advice about Western's policies and practices with respect to students with disabilities. It is not intended to replace any University policy or publication, nor to take the place of the advice of an academic counsellor or a counsellor in Services for Students with Disabilities (SSD).

Before enrolling at Western

If you require academic accommodation because of a disability, try to contact SSD before accepting an offer of admission to Western. Explain your academic program goals to SSD and outline the kind of accommodation you hope will be provided. Ask SSD if students requiring similar accommodation have taken the program you hope to take, and have received accommodation in the past. Some accommodations you received in high school or at a previous institution may not be available at Western.

Steps to Take if You Require Academic Accommodation

It is essential to complete all the steps on time if you expect to receive the appropriate academic accommodation. The steps are outlined in the Procedures section of the Policy.

1. Submit to SSD before August 1, or as soon as possible after receiving an offer of admission; or as soon as possible after registration:
   a. a written request for accommodation;
   b. documentation from your doctor or psychologist or other professional attesting to your disability and supporting your accommodation request; and
   c. a list of courses you plan to take (include course outlines and instructors’ names if possible).

2. Contact SSD to arrange an appointment with a counsellor to discuss your specific accommodation requirements. Given the number of students who must be seen by SSD, you should attempt to meet with a counsellor as soon as possible after you have registered in your courses, and before classes begin.

3. Introduce yourself to your instructors early in each course, explaining that you are requesting academic accommodation. (This step is not mandatory, but is strongly recommended by the University. An instructor may be able to suggest helpful strategies for dealing with the course material.)

4. Start a Western file, if you have not already done so. Put in it letters received from the University, copies of letters you write to the University, and your copies of all academic forms, including forms relating to your accommodation requests.
Whenever you discuss a matter with a counsellor or instructor, write a note. The note should include the name of the person, the date the discussion took place, and your understanding of any agreements that were reached.

5. No later than three weeks after classes begin, check with SSD to make sure that recommendations for accommodation have been communicated to your instructors.

6. You may want a copy of any form or other document relating to your accommodation requests. It is your right to have copies of documents issued by SSD.

Important information about accommodation for exams/tests/quizzes

Once you have made arrangements for accommodation with SSD you may register to write on-campus accommodated exams with Examination Services For more information on Accommodated Exams please see “How to Schedule Accommodated Exams with Examination Services” www.registrar.uwo.ca/examinations/accommodated_exams.html

Please Note: Online Exam Requests must be submitted at least 14 days prior to the quiz/test/exam date or you will be unable to proceed.

What usually happens

Most students requiring accommodation submit their documentation on time. SSD processes the documentation, counsels the students, and contacts instructors. Instructors, students and SSD collaborate and find accommodation which meets the student's needs without compromising the academic integrity of the course.

What to Do When....

The process of getting academic accommodations involves several steps. That means there are opportunities for things to go wrong. These are some of the things that can happen, and some suggested strategies for dealing with them.

SSD is not satisfied with your documentation.

If your documentation does not meet SSD's requirements you may be asked to have further assessments. That may delay decisions about your accommodation. If you contacted SSD in the summer, it will be easier to resolve the problem in a timely way. If the additional medical or other tests needed to determine the extent of your disability cannot be arranged until after classes begin, make sure you clarify with SSD whether there is a sufficient basis for recommending accommodation immediately. If SSD cannot recommend accommodation until further test results are received, decide what you want to do in the meantime. (Hint: you may want to delay taking some courses until the matter is settled.)
Your professor was not contacted by SSD

In the fall, SSD must contact many instructors in a short space of time. Each instructor may be contacted more than once. For example, SSD might contact the instructor initially to discuss accommodations in light of essential course requirements, prior to submitting written recommendations to the instructor.

The policy provides a clear time frame for this process. If decisions concerning your requested accommodation are delayed, ask your instructor or your SSD counsellor for an explanation.

Your professor wants to know more about your disability.

If you are comfortable discussing the matter, do so. But remember that you have a right to privacy and a right to be treated with respect. See next entry on how to say "no".

Your professor asks to be shown the documentation you provided to SSD.

A request to see your documentation may be an indication that your professor feels uncomfortable about providing the specific accommodation recommended for you. Although this situation is unlikely to occur, if you do receive such a request it is important to understand that you are not required to provide this information. Medical documentation contains information which is private to you. Even if your professor seems to be in a discipline that might give him or her the background knowledge to be able to interpret your documentation, you should be careful about agreeing to share it. Discuss the matter with SSD or your doctor first.

How do you say "No" to your professor? Be polite but firm!

"I'm sorry, Professor, but I just don't feel comfortable doing that."

"I suggest you to talk to SSD"

"I have given you all the information I feel should be necessary."

"My doctor (parent, lawyer, ombudsperson, counsellor) has advised me that this information is private and confidential."

Your professor wants to consult with colleagues about whether to accommodate you.

Ask yourself how you feel about your professor talking with other professors in the Department about you and your disability. If you have no objection, let your professor know that. But if you feel uncomfortable, remember that, without your permission, such discussion may be a violation of your privacy rights. Remind your professor that the information you provided through SSD is confidential, and you expect him or her to respect that by not sharing it with colleagues. Suggest that he or she consult SSD instead. If you feel
uncomfortable saying this in person, say it in a letter to your professor or to the Chair of the Department.

Your course is taught by different instructors.

Do you need to seek accommodation from each? That could be unreasonably burdensome. Sometimes one instructor will be designated as the main one. If you know you will have two or more instructors for a course, talk to your SSD counsellor about what to expect.

An alternative accommodation is suggested.

An alternative accommodation may be suggested in order to better meet your needs, or in order to protect the academic integrity of the course, or both. Give the professor’s (Chair’s, Dean's) suggestion serious consideration, and discuss the matter with your SSD counsellor. If you and your SSD counsellor agree that the alternative accommodation is suitable, be sure that that is documented in some way.

An accommodation is suggested which you believe does not meet your needs.

You are not obliged to prove that a particular accommodation is unsuitable for you. The University is obliged to accommodate your disability unless, to do so, would result in undue hardship or unless, to do so, would relieve you of performing essential tasks or compromise the academic integrity of the course. "Accommodating your disability" means putting in place the accommodation suggested by SSD, after SSD has carefully reviewed both your supporting documentation and all the information your professor provided about the essential academic requirements of the course.

Give serious thought to why you believe one accommodation is more appropriate for you than another, and try to explain that to your professor (Chair, Dean), either directly or through SSD.

Your professor may believe it is important to evaluate you in the same manner as other students. If they are judged on the neatness of their handwriting, on their command of a specialized vocabulary, or on the speed with which they carry out certain tasks, he or she may believe you should be judged in those same ways. If judging you in those ways is an essential part of learning the material, or demonstrating your learning, he or she may be right. What is essential for a particular course? Academic departments determine what is essential through the course approval process. You may choose to challenge their view through the appeal process.

Your SSD counsellor encourages you to accept an alternative accommodation.

The role of an SSD counsellor is to provide information and advice to the University community. To be an effective go-between between you and your professor on the subject of your disability and academic accommodation, he or she must listen carefully to you both. Your counsellor is not an advocate for you, nor for your professor, but for fairness: for
accommodating each student with a disability in a fair way. He or she recommends the accommodation which seems most appropriate in light of your disability and the essential demands of the course.

You receive accommodation, but do poorly in the course

It is important to remember that the purpose of academic accommodation is to provide you with a fair opportunity. If you cannot complete your exam or you do poorly in your course, it does not follow that your accommodation was inadequate - other students, too, sometimes do poorly or cannot finish an exam.

You believe the accommodation offered falls short of meeting your needs

If you find yourself in disagreement with the SSD counsellor, you may wish to discuss your concerns with the Coordinator of SSD. If, after that meeting, you still feel that SSD’s recommendations are not sufficient, you can contact the Ombudsperson.

Your professor, or another decision maker, says: "But every student would like to have...."

One of the most commonly recommended academic accommodations is extra time to write exams or tests. If your disability means you have to take more time than others to do certain tasks, it may make sense that you need extra time for tests and exams.

If your instructor says "But every student would like to have extra time!" what is he (she) really saying? He (She) is challenging you to explain why you should get extra time (or a computer, or a private room), and other students should not. If you feel that you are being put in a position where you are being asked to defend your need for accommodation, a simple response is:

“I understand that you have questions about the accommodations recommended for me. Please contact my counsellor at SSD.”

Remember, you are not required to justify and/or defend your need for accommodation. The documentation you provided to SSD should be sufficient for making appropriate accommodation arrangements.

Your professor rejects your request for a particular accommodation.

If your professor refuses to grant an accommodation you need on the grounds that it would compromise the academic integrity of the course, the instructor must discuss the matter with the Chair. If the Chair agrees with the instructor, the question passes to the Dean. If the Dean agrees with the Chair and the instructor, you can accept the Dean’s decision, or initiate an appeal to the Senate Review Board Academic. Read the Policy carefully and consult with the SSD counsellor if there is something you are unsure about.
What if you thought you didn't need accommodation and you change your mind?

It is sometimes hard for a person to accept that he or she has a disability, and needs academic accommodation. If you realize you made a mistake in not approaching SSD at the start, don't be embarrassed - be fair to yourself! Make an appointment right away. Get the process started. It will take time to sort out your situation, but better late than never.

Can a student simply ask a professor for an accommodation, without going to SSD?

Instructors and others who learn that a particular student has a disability which may need academic accommodation must refer that student to SSD. Trying to determine accommodation without involving SSD may be well-intentioned, but is contrary to University policy and may be unfair.

The Appeal Process

Should you appeal?

This is a question only you can answer. However, here are some points to consider:

- In rejecting the suggested accommodation, the instructor, Chair and Dean are asserting that granting the accommodation would compromise the academic integrity of the course or program. Think very carefully about what that means. Do you understand their position? Do you believe they are mistaken?
- What view does SSD take of the matter?
- How important is the specific accommodation to you? Will you be unable to achieve your academic goals without the accommodation?
- The appeal process takes time and effort. Do you have the time and effort to put into it?
- Can you pursue the appeal without jeopardizing your other academic work?
- Are there alternatives for you, such as dropping the course or changing your program?
- If you decide not to appeal, will you regret it six months or a year from now?
- If your appeal is denied by the Senate Review Board Academic, will you regret the time and effort you put into it?
- Be clear about your own goals in launching an appeal, do your best to understand the other side, and then you will be prepared, whatever the outcome.

What is an "essential requirement"?

The University has left this key phrase undefined. The Faculty Handbook on the Implementation of the Policy on Academic Accommodation states: "The University and its officers must be able to demonstrate that a requirement has been imposed honestly and is legitimately related to meeting the academic demands associated with a particular course or program of study. What will satisfy this test will vary in each case."
How does an appeal work?

The appeal process follows the same path as other academic appeals: it begins with the instructor, passes to the Chair of the department, then to the Dean of the Faculty and finally to the Senate Review Board Academic (SRBA). See the Academic Rights and Responsibilities policy in the Calendar, and some of the other guides issued by the Office of the Ombudsperson and listed below.

In the case of an instructor's decision to reject a suggested academic accommodation, the first steps of the appeal are automatic and are initiated by the instructor. The appeal at this stage is a continuation of the conversation which begins when the student first approaches SSD and the instructor about needing some accommodation. The time lines for this process are deliberately short (one week at each level), so the student will have a final answer as soon as possible.

If the Dean upholds the instructor's decision, the student may appeal to the Senate Review Board Academic. The application for hearing and information sheet are available from the University Secretariat, Room 4101 Stevenson Hall. This appeal must be initiated by the student within two weeks of the Dean's decision. It is in a student's interest to complete the application for hearing immediately and submit it to the University Secretariat. It takes about two weeks to organize a hearing once the application is in. In that time, should the student decide not to appeal after all, the application for hearing can simply be withdrawn.

About hearings at the Senate Review Board Academic (SRBA)

The membership of the SRBA includes both faculty and students. A hearing takes place in person, and the purpose is to determine whether the Dean's decision was unreasonable or unsupportable on the evidence before the Dean. Those chosen to hear a particular case are impartial persons with no connection to either side. All members of the SRBA receive training before serving on the Board. The training prepares them to hear and weigh evidence and question witnesses in a fair and respectful manner. See the Office of the Ombudsperson publication, Appealing to the Senate Review Board Academic for more information.

How to make a case

A student appealing an accommodation decision to the SRBA needs to be able to evaluate and respond to the Dean's case. For this reason, the Dean will normally present his or her case first. If the Dean fails to persuade the Board that the suggested accommodation compromises the academic integrity of the course, the student will win the appeal.

In upholding the instructor, the Dean is saying that he or she believes that granting the accommodation is not consistent with the essential academic requirements of the course. How good is the Dean's case? How can a student challenge it at the SRBA?
• Examine the reasoning for the academic requirements. Does that reasoning make sense to you? Why? Why not?
• Review the course outline for the course. Is the essential academic requirement evident in the outline?
• How do the essential requirements of this course compare with those of other courses in the same department?
• Compare the essential requirements of this course with the requirements of other courses which are similar, though offered in different departments.

SSD counsellors will have some understanding of what requirements are considered essential in different disciplines. If the requirement seems widespread and commonly accepted, the Dean may have a good case. If the requirement is not essential in other similar courses, the Dean may have a weak case.

If no one can do the commonly-understood essential tasks in the course without also having the requirement in question, the Dean may have a good case. On the other hand, the student may have found another way to do the essential tasks, given appropriate accommodation.

How about tests and exams while the appeal is going on?

The policy specifies that suggested accommodations will be implemented until the appeal process is complete. A student may be required to redo tests or exams if the instructor’s decision to reject a suggested accommodation is upheld on appeal.

Is there help for a student going through an appeal?

Yes, the Ombudsperson can help. Before deciding to appeal, or if you have begun an appeal, talk to her. An ombudsperson is an impartial, confidential advocate for fairness. She can be a source of information, advice and support. You can reach the Ombudsperson at 519-661-3573; ombuds@uwo.ca; or drop in at Western Student Services, Room 3100 (one floor below the Student Development Services). The Office of the Ombudsperson is open 8:30 to 4:30, five days a week.

Self-Doubt

Self-doubt is the enemy within. It is something each of us experiences at times. It is common to experience more self-doubt when people we respect - professors, Chairs, Deans and counsellors - seem to think differently than we do. Remember, we have all grown up in a society where there is discrimination, and some of those biases have been internalized. We are tempted to believe everything is as it should be. But really, there is unfairness everywhere. Changing the world is hard work, and being fair is hard work - even being fair to yourself.

To help you cope with self-doubt and imagine a fairer world for all people with disabilities, look at the website for the Ontarians with Disabilities Act Committee, www.odacommittee.net
and get involved with disability issues through the University Students' Council. See the USC website: www.usc.uwo.ca.

People, policies and websites that may be useful

- Services for Students with Disabilities: Western Student Service Building (WSS) 4111 519-661-2147 www.sdc.uwo.ca/ssd/
- Office of the Ombudsperson: WSS 3135. Email: ombuds@uwo.ca 519-661-3573 www.uwo.ca/ombuds/
- Equity Services: Somerville House 2319 519-661-3334 www.uwo.ca/equity
- Examination Services: includes steps for writing Accommodated Exams with Examination Services. www.registrar.uwo.ca/examinations/accommodated_exams.html
- University website: www.uwo.ca
  - where you can find the official Academic Calendar and Student Central Office.
- Academic Policies www.uwo.ca/univsec/academic_policies/index.html includes:
- Ontario Human Rights Commission: www.ohrc.on.ca
- Ontario Ministry of Citizenship and Immigration: www.citizenship.gov.on.ca/
- The ODA Committee: www.odacommittee.net/
- Canadian Mental Health Association document “YOUR EDUCATION - YOUR FUTURE: A guide to college and university for students with psychiatric disabilities” www.cmha.ca/youreducation/introduction.html

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NOTE: This guide was produced by the Office of the Ombudsperson www.uwo.ca/ombuds. It is not an official university document and is not intended to replace university policy.

Frances Bauer wrote the original text. Revised 04/2011