

**Western University Policy on Academic Accommodation for Students with Disabilities**

<b>Policy Category:</b>	Rights and Responsibilities
<b>Subject:</b>	Western University Policy on Academic Accommodation for Students with Disabilities
<b>Subsections:</b>	<a href="#">Policy Statement;</a> <a href="#">Academic Accommodation Procedures;</a> <a href="#">Appeal Procedures;</a>
<b>Approving Authority:</b>	Senate
<b>Responsible Committee:</b>	Senate Committee on Academic Policy
<b>Related Procedures:</b>	*
<b>Officer(s) Responsible for Procedures:</b>	*
<b>Related Policies:</b>	*
<b>Effective Date:</b>	May 2019
<b>Supersedes:</b>	*

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**POLICY STATEMENT**

**1. Purpose of Policy**

The purpose of this Policy is to ensure that students with disabilities have a reasonable opportunity to engage in academic activities at the University and to fulfill essential course and program requirements, and to ensure that all members of the University understand their rights and obligations to reach this goal.

**2. Application of Policy**

This Policy and the associated Procedures apply to both graduate and undergraduate students at Western and the affiliates while engaged in academic

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activities related to their program of study, and includes students registered in courses or programs with Western Continuing Studies.

In the case of graduate students, reference to courses and programs throughout this Policy and associated procedures shall include milestones and requirements associated with progression in graduate programs.

### 3. Statement of Principles

The University recognizes the inherent dignity and equality of all students and is committed to ensuring students with disabilities have the opportunity to fully participate in the academic life of the institution.

The University also recognizes that it is subject to the Ontario *Human Rights Code* and that it is required to provide reasonable academic accommodation to students with disabilities where those disabilities create limitations that interfere with the students' participation in academic activities.

Reasonable academic accommodation is a cooperative process between the University, the student and academic staff. All participants in the process must fulfil their respective obligations set out in this Policy and the associated Procedures if it is to succeed.

The University is committed to providing reasonable academic accommodations to students with disabilities, up to the point of undue hardship, to enable students to successfully meet the essential requirements of their course or program of study. All requests for accommodation and related communications will be maintained in confidence in accordance with the University's obligations under the *Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Privacy Act* and any other applicable laws. Personal information of students will be shared only to the extent necessary to consider requests for accommodation, to arrange for reasonable academic accommodations or to process any appeals, all in accordance with this Policy and associated Procedures and all applicable law.

### 4. Accountability

All members of the University are required to comply with the terms of this Policy and its associated Procedures.

This Policy is administered by Student Accessibility Services. Student Accessibility Services is responsible for reviewing this Policy in accordance with its terms.

## **5. Review**

This Policy shall be reviewed every five (5) years from the date it comes into effect. The Policy may be reviewed prior to the five-year term where it is determined that an earlier review is necessary because of:

- a) a change in the law respecting accommodation of students with disabilities;
- b) a change in University practices or procedures; or
- c) any other reason that would call into question the applicability of the Policy in its current form.

## **ACADEMIC ACCOMMODATION PROCEDURES**

### **1. Purpose of Academic Accommodation Procedures**

The purpose of the Academic Accommodation Procedures is to set out the process by which students may request reasonable academic accommodations and to establish the responsibilities of all participants in the accommodation process.

All interested persons – students, academic staff and the University – have vital roles to play in the accommodation process. The University has designated Student Accessibility Services, or SAS – to oversee the development of reasonable academic accommodations and to implement the Policy.<sup>1</sup>

Accommodations developed under this Policy are to be guided by principles of respect for dignity, individualization, integration and full participation, while preserving the essential requirements of a course or program of study.

### **2. Definitions**

**Academic Accommodation** is a means of adjusting the academic activities associated with a course or program of study in order to permit students with disabilities to participate in those activities at the University and to fulfill the essential requirements of a course or program. Academic accommodations take into account the individual's limitations and what is reasonable in the context of the particular course or program and the essential requirements of the course or program.

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\* Reference to SAS in these procedures shall include Accessibility, Counselling and Student Development at King's University College as utilized by King's students for Academic Accommodation.

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Examples of academic accommodations include, but are not limited to:

- access to alternative format textbooks or accessible versions of materials on course websites
- use of sign-language interpreters
- permission to audio record lectures
- writing exams in an alternative location or being provided extra time or rest breaks to complete an exam
- use of assistive technology when writing exams (e.g., a computer equipped with specialized software)
- use of an assistant in labs.

**Essential Requirements** refer to the bona fide academic requirements of a course or program of study, which cannot be altered without compromising the fundamental nature of the course or program. Essential Requirements will vary from course to course and from milestone to milestone, depending on the nature of the subject matter, the teaching methods employed and the knowledge and skills that are to be learned and/or demonstrated. While it may be an essential requirement that a student master core aspects of a course curriculum, it is less likely that the means in which a student demonstrates the mastery will be essential, unless mastery of that format (e.g. oral communication) is also a vital requirement of the program.

**Academic Staff** refers to the individuals who are responsible for the development of course content, for teaching the course or who deliver an element of a course, and for supervising or evaluating completion of milestones. It includes professors (including associate and assistant professors), adjunct faculty, teaching assistants, lab instructors, etc.

**Disability** means

- a) any degree 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 guide dog or other animal or on a wheelchair or other remedial 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 disorder, or

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- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

Disabilities that fall within this Policy may be permanent or temporary. Limitations caused by disabilities may be constant or may be more sporadic in nature.

**Reasonable Academic Accommodation** means a form of academic accommodation that addresses the limitations experienced by a student with disabilities in a manner that allows them to meet the essential requirements of a course or program of study, without resulting in undue hardship to the University. There will often be a range of reasonable academic accommodations available, and a student might not be entitled to their preferred accommodation. Because of the differences between the academic environments, students may not be entitled to the same form of accommodation that they received at a prior time in their education history (e.g. while in high school or college).

**Undue Hardship** is the outer limit of the University's accommodation obligation, and may refer to activities, impacts or effects that would result in undue or excessive costs for the University (considering sources of outside funding available) or unreasonably interfere with the health and safety or other rights of other members of the University community. Undue hardship is considered individually, within the full context of a particular request for reasonable academic accommodation.

### 3. Responsibilities

Students with disabilities who are seeking academic accommodation have the responsibility to:

- register with and/or seek accommodation through SAS and Accommodated Exams Services in a timely fashion;
- provide supporting medical documentation from a qualified professional;
- identify the courses that they are registered in, including any course changes that occur during the school year;
- promptly notify Academic Staff and SAS if they need accommodation for any exchange or experiential learning opportunities during the school year;
- cooperate with SAS in the identification and implementation of reasonable academic accommodations;
- accept reasonable academic accommodations identified by the SAS that meet their identified limitations;

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- communicate with academic staff to the extent necessary to give effect to their academic accommodations; and
- notify the SAS immediately if there are any changes in their disability status, identified limitations or the continued appropriateness of the academic accommodations that have been implemented.

Academic staff members have the responsibility to:

- identify the essential requirements of their courses or milestones that cannot be altered without undue hardship (i.e. compromising the fundamental nature of their courses or milestones);
- cooperate with the SAS to determine reasonable academic accommodations for students with disabilities in their courses or milestones;
- cooperate with Accommodated Exams, Office of the Registrar to facilitate delivery of evaluations;
- assist students and SAS in arranging accommodations related to exchange or experiential learning opportunities;
- maintain confidentiality with respect to any personal information of students that is shared with the staff member to facilitate the academic accommodation;
- not seek any medical or other personal information directly from a student who has requested an academic accommodation; and
- where students request academic accommodations outside this Policy, refer the students to the SAS so that the request may be properly considered and appropriate accommodations implemented.

The SAS has the responsibility to:

- register students with disabilities who request to use its services;
- gather the necessary medical information to determine whether a student has a disability, and the nature and extent of any limitations associated with the disability;
- review the course or milestone requirements for those courses or milestones for which the student is seeking academic accommodation;

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- determine a reasonable accommodation (or range of accommodations) that meets the student's limitations while respecting the essential requirements of the course, milestone or program of study;
- consult with the academic staff member responsible for the course, milestone or program of study as necessary to ensure that any recommended accommodations do not compromise the essential requirements of the course or program;
- assist students and Academic Staff in arranging accommodation in relation to exchange or experiential learning opportunities;
- assist students to identify any sources of funding or other supports that may help the students with their accommodation needs;
- assess any changed circumstances in a student's accommodation needs to determine whether existing academic accommodations remain reasonable and appropriate;
- recognize that accommodations for academic evaluations that are facilitated through The Office of the Registrar should be appropriate to the duties and responsibilities maintained within this unit; and
- make accommodation information available to academic deans and counsellors in students' faculties of registration.

### 4. Establishing Reasonable Academic Accommodations

#### a. Accommodation Process

- 1) Students with disabilities seeking an academic accommodation are required to register with the SAS in the Student Development Centre and arrange for an initial consultation with a counsellor.

Students are encouraged to register at the earliest opportunity, and ideally before classes begin in a given academic term. The SAS will consider all requests for academic accommodation whenever they are made. However, the SAS may not be able to arrange for timely accommodations for students who register after a term has commenced.

Students must provide documentation supporting their request for accommodation. Detailed documentation requirements may be found on the website of the SAS, along with medical forms to be completed by the student's attending health professional. Examples of required information may include, but are not limited to

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- the nature of the disability [a diagnosis is not generally required];
- its expected duration;
- any functional limitations that may interfere with the student's academic activities; and
- whether any medications will cause side effects that should be taken into consideration by the SAS [specific medications will not need to be identified].

Requests for academic accommodation will not generally be processed until sufficient medical documentation is provided to SAS. SAS will consider requests for interim accommodation while awaiting receipt of medical documentation where circumstances beyond the control of the student prevent timely compliance with these requirements.

A student must register with SAS in order for Accommodated Exams Services to facilitate an accommodated evaluation for the student.

- 2) The SAS will review all information provided by the student to determine whether the student requires accommodation, and the range of reasonable accommodations that will meet the student's identified limitations. Where SAS determines that the information provided by the student does not support the request for academic accommodation, SAS shall inform the student in writing that it has not approved the request.
- 3) In determining reasonable academic accommodations for a course, SAS will consider the nature of the course or milestone and the requirements outlined in the applicable course syllabus. SAS may consult with the academic staff who will be teaching the course or will be responsible for any element within the course in order to determine whether an accommodation is reasonable. SAS may share information about the student's identified limitations, but only where such disclosure is necessary to determine the appropriateness of an accommodation being considered.
- 4) Academic staff who are contacted by SAS shall reply promptly to any requests for information, including requests for information about the essential requirements of a course.
- 5) Based on the information provided to SAS by the student and the academic staff, SAS shall recommend a reasonable accommodation that, in the opinion of SAS, addresses the student's identified restrictions and does not compromise the essential requirements of the course, milestone or program of study. The accommodation shall be communicated to the student and to the appropriate academic staff.



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- 6) If SAS determines that there are no reasonable academic accommodations that can be provided short of undue hardship, it shall inform the student of this decision and shall provide brief reasons for its decision.
- 7) Students who are granted an academic accommodation shall follow any instructions provided by SAS, including making any necessary communications with Accommodated Exam Services or program staff.

### **b. Reconsideration of Initial SAS Decision**

- 1) Students may ask their SAS counsellor to reconsider their decision where the student:
  - has had a request for accommodation denied,
  - believes that the recommended academic accommodation does not reasonably meet their identified restrictions, or
  - believes that they have been treated unfairly in the process of assessing their request for accommodation.
- 2) Academic staff who disagree with the academic accommodation recommended by the SAS counsellor may ask the counsellor to reconsider their decision, but only on the ground that the recommended accommodation compromises the essential requirements of the course or program of study.
- 3) The SAS counsellor shall seek to resolve any requests for reconsideration with the student and academic staff. If a satisfactory resolution cannot be reached, the student or academic staff may appeal the decision of SAS in accordance with the Appeal Procedures of this Policy.

### **5. Implementation of an Accommodation within a Classroom or Similar Context**

- 1) Where an academic accommodation is granted to a student under this Policy and Procedure, SAS will communicate the accommodation to the academic staff members responsible for the student's identified courses or milestones.
- 2) The responsible academic staff members are required to implement the accommodation that has been granted with respect to their courses or milestones, and shall do so in a manner that is consistent with the principles underlying this Policy.
- 3) Where a student who has been granted an accommodation is not satisfied with the manner in which the accommodation is being implemented in a course, the student shall discuss the matter with the academic staff responsible for that course. The student and academic staff member(s) shall attempt to resolve the

dispute in a manner that provides reasonable academic accommodation to the student while respecting the essential requirements of the course or milestone.

- 4) If the student and academic staff member(s) are not able to resolve the dispute over the implementation of the accommodation that has been granted by SAS, the matter must be referred back to the SAS counsellor who granted the original accommodation for consideration of an appropriate manner of implementing the accommodation. The SAS counsellor shall consult both the student and academic staff and shall attempt to resolve the dispute. If the dispute cannot be resolved to the satisfaction of the student and academic staff, the SAS counsellor shall determine how the accommodation is to be granted, and shall communicate this determination in writing to all interested parties.
- 5) If either the student or academic staff is not satisfied with the determination of the SAS counsellor, they may appeal the determination in accordance with the Appeal Procedures of this Policy.

## **APPEAL PROCEDURES**

### **1. Purpose of Academic Accommodation Appeal Procedures**

The purpose of the Appeal Procedures is to provide an expeditious process by which either students or academic staff may appeal decisions made by the SAS, or in the case of King's University College, its Accessibility, Counselling and Student Development Office (ACSD)), in respect of academic accommodations in relation to the student or the course or program of study for which the academic staff is responsible.

Throughout these Appeal Procedures, reference to Vice-Provost shall mean, in the case of undergraduate students, the Vice-Provost (Academic Programs) or designate, or, in the case of graduate students, the Vice-Provost (School of Graduate and Postdoctoral Studies) or designate.

### **2. Appeal of a Decision Establishing Academic Accommodations**

This section applies to appeals by students or academic staff members in relation to a decision of the SAS or ACSD made under Part 4 of the Academic Accommodation Procedures – i.e. the initial decision to grant or deny an accommodation request.

#### **a) Interim Accommodation Pending Appeal**

Where the SAS or ACSD has recommended an accommodation that is the subject of an appeal under this section by either the student or the academic staff, the accommodation shall be implemented on an interim basis as of the date of the final

decision of the SAS or ACSD counsellor made under Section 4 of the Academic Accommodation Procedures. The interim accommodation will remain in effect until the appeal process under this section is complete.

**b) Reconsideration by the SAS**

Before a formal appeal can be made under this section, the affected party must request a reconsideration of the decision of the SAS or ACSD counsellor by the director of SAS or designate.

Students may request a reconsideration by the director of SAS or designate if the student:

- has had a request for academic accommodation denied for any reason; believes that they have been treated unfairly during the accommodation process;
- believes that the recommended accommodation does not reasonably meet their identified restrictions; or
- has new information relevant to the request for academic accommodation that was not reasonably available to the SAS or ACSD counsellor at the time of the original decision.

Academic staff may request a reconsideration by the director of SAS or designate only on the ground that the recommended accommodation compromises the essential requirements of the course or program of study.

Requests for reconsideration shall be made in writing, and shall identify the ground or grounds upon which the request is being made and the reasons why the student or academic staff member, as the case may be, disagrees with the recommendation of the SAS or ACSD counsellor on those grounds.

Academic staff who request a reconsideration of the recommendation of the SAS or ACSD counsellor shall identify the essential requirements of the course, milestone or program of study, why they are essential, and how the recommended accommodation compromises such essential requirements of the course, milestone or program.

The director of SAS or designate shall review all requests for reconsideration, including all material submitted in support of the request and all material upon which the original recommendation was based. The director of SAS or designate may consult with the academic staff or the Chair of their department or designate in order to better understand and assess the essential requirements of the course or program in question.

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Where a request for reconsideration is filed, the director of SAS or designate shall provide notice to the other party involved and shall give them an opportunity to participate in the reconsideration. For example, if an academic staff member requests a reconsideration, the director of SAS or designate shall notify the student with a disability of the request and shall seek their input on it.

In the case of a King's University College student, the Director of SAS shall consult with the Manager of Student Wellness at ACSD before making a decision.

The director of SAS or designate shall make a decision on the request for review expeditiously, and in the ordinary course, within five (5) days (excluding Saturdays, Sundays, statutory holidays and other University closures) of receiving the request. The decision shall be communicated in writing to the student with a disability, the academic staff member and, where appropriate, the Chair of the relevant department.

### **c) Appeal to the Vice-Provost**

Either of the student with a disability or the academic staff may appeal the decision of the director of SAS or designate to the Vice-Provost or designate.

Students may file an appeal with the Vice-Provost or designate if the student:

- has had a request for academic accommodation denied for any reason;
- believes that they have been treated unfairly during the accommodation process or the reconsideration process;
- believes that the recommended accommodation does not reasonably meet their identified restrictions; or
- has new information relevant to the request for academic accommodation that was not reasonably available to the SAS counsellor at the time of the original decision or to the director of SAS or designate during the reconsideration process.

Academic staff may file an appeal with the Vice-Provost or designate only on the ground that the recommended accommodation compromises the essential requirements of the course or program of study.

Appeals shall be made in writing, and shall identify the ground or grounds upon which the appeal is based and the reasons why the student or academic staff member, as the case may be, disagrees with the reconsideration decision of the director of SAS or designate on those grounds.

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Academic staff who appeal the reconsideration decision of the director of SAS or designate shall identify the essential requirements of the course or program of study, why they are essential, and how the recommended accommodation compromises such essential requirements of the course or program.

The Vice-Provost or designate shall review all appeals, including all material submitted in support of the appeal, all material upon which the original recommendation was based and all material considered by the director of SAS or designate during the reconsideration process.

Before determining the appeal, the Vice-Provost or Designate may consult with the Director of Equity and Human Rights Services or designate to ensure that appropriate human rights and accommodation principles are applied to the matter under appeal. The Vice-Provost or designate may consult with the academic staff, the Chair of their department or designate or Associate Dean or any other appropriate individual in order to better understand and assess the essential requirements of the course or program in question. In the case of a student of an affiliate college, the Vice-Provost or Designate shall seek recommendations from the Academic Dean of the affiliate college before making a decision.

Where an appeal is filed, the Vice-Provost or designate shall provide notice to the other party involved and shall give them an opportunity to respond to the grounds raised in the appeal. Any response to an appeal shall be made in writing, and shall be provided to the party who filed the appeal who shall be given an opportunity to reply in writing to the response. For example, if the student with the disability files an appeal, the Vice-Provost or designate shall notify the academic staff member responsible for the course in question, and shall provide the staff member the opportunity to provide a written response. If the staff member provides a written response, it will be shared with the student who shall have a further opportunity to reply in writing to matters raised by the staff member in the response.

The Vice-Provost or designate shall make a decision on the appeal expeditiously, and in the ordinary course, within five (5) days (excluding Saturdays, Sundays, statutory holidays and other University closures) of receiving the appeal. Where interim accommodations have been implemented pending the appeal pursuant to paragraph 2(a), the Vice-Provost or designate shall determine whether the result of the appeal requires reassessment of any grades achieved during the application of the interim accommodations and shall provide such direction as to such grades as he or she deems appropriate. The decision shall be communicated in writing to the student with a disability, the academic staff member, SAS, and, where appropriate, the Chair of the relevant department or Associate Dean.

The decision of the Vice-Provost is final, and may not be appealed under any other University policy or procedure.

### **3. Appeal of a Dispute regarding the Implementation of an Accommodation**

This section applies to appeals by students or staff members in relation to a decision of the SAS or ACSD made under Part 5 of the Academic Accommodation Procedures – i.e. the determination of the implementation of an accommodation within the context of a classroom or similar context.

Either the student or the academic staff member may appeal the determination of the SAS or ACSD counsellor as to how the accommodation that has been granted is to be implemented in the course in question. Appeals shall be made directly to the Vice Provost or designate.

Students may file an appeal with the Vice-Provost or designate if the student:

- believes that they have been treated unfairly during the accommodation process;
- believes that the determination of how the accommodation is to be implemented does not reasonably meet their identified restrictions; or
- has new information relevant to the request for academic accommodation that was not reasonably available to the SAS or ACSD counsellor at the time of the determination.

Academic staff may file an appeal with the Vice-Provost or designate only on the ground that the determination of how the accommodation is to be implemented compromises the essential requirements of the course or program of study. Where an appeal is filed under this section, the process outlined in section 2(c) of these Procedures shall apply with necessary modifications.

The decision of the Vice-Provost or designate shall be final, and may not be appealed under any other University policy or procedure.