

Faculty Handbook on the Implementation of the Policy on Academic Accommodation for Students with Disabilities

Why Does Western Accommodate Students with Disabilities?

1. It is the law in Ontario.

Section 1 of the Human Rights Code of Ontario states:

Every person has the right to equal treatment with respect to services, goods and facilities, without discrimination because of...handicap.

Education has been conclusively determined by the Ontario Courts to be a "service" within the meaning of the Human Rights Code. In April 1988, amendments to the Code were proclaimed which require that persons with disabilities be accommodated unless such accommodation would cause undue hardship. Therefore, it is the University's legal responsibility to make its services available in a manner that does not discriminate, by attempting reasonably to accommodate student disabilities.

2. It is University Policy.

Western's Policy on Academic Accommodation for Students with Disabilities states: "The University . . . recognizes its obligation to provide reasonable academic accommodation to students with disabilities where the accommodation can be implemented without compromising the academic integrity of the academic course or program." Western's policy is collaborative involving the student, the instructor and Services for Students with Disabilities (SSD). The Policy does not apply if the University determines that the necessary pedagogical, human, physical or financial resources are not and cannot be made available to accommodate a particular disability.

3. It is consistent with the University's strategic plan.

The University of Western Ontario's strategic plan, Leadership in Learning, states: "As part of our commitment to excellence we seek to recognize and remove the obstacles faced by traditionally under-represented groups in order to facilitate their access to and advancement at Western" (p. 3). The strategic plan also states: "... Western must make every effort to be a welcoming environment for students and faculty from the designated groups, including ... persons with disabilities" (p. 18).

4. The benefits are widespread and attainable.

Many of the changes recommended by SSD -- for example, clear articulation, making eye contact, or clearing the aisles in a classroom or in the labs -- can benefit all students. Most barriers for students with disabilities can be overcome with planning, flexibility, and open communication. Resources and assistive devices, available through SSD and the Adaptive Computing Technology Centre, are making it easier for Western to provide a range of opportunities for students with disabilities.

What are the Required Elements of Accommodation?

There are two key elements to accommodating students with disabilities:

1) Individualization. The essence of accommodating students with disabilities successfully is individualization. When barriers to equal opportunity are encountered, students with a disability must be considered individually to determine if specific changes to their academic programs or to their physical environment are needed. There is no formula for alleviating the barriers that confront people with disabilities. Each person's needs are unique and must be considered afresh when a barrier is encountered. A solution that meets the need of one student may not be suitable for another. However, it is often the case that accommodations designed to meet the particular needs of one individual will benefit others with and without disabilities.

Both federal and provincial courts have affirmed the legality of the concept contained within human rights legislation that equality of opportunity does not mean treating people exactly the same. Instead, equality means the recognition and the duty of an individual or organization to recognize and reasonably accommodate the differences that may be presented by persons with disabilities. In short, equality does not mean sameness.

2) Respect and Dignity. Respecting the dignity of students with disabilities means acting in a manner that recognizes their privacy, confidentiality, comfort, independence and self-worth in order to allow them full academic and extra-curricular participation within our community.

Accommodating students with disabilities has nothing to do with leniency or providing unfair advantage: it has everything to do with ensuring access to opportunity. Once access to opportunity is provided in a manner consistent with Western's policy, it is the student's responsibility to meet the academic program requirements.

What Constitutes an Essential Requirement in an Academic Course or Program at Western?

Specific determinations of what constitutes essential tasks or requirements within university academic programs have not been established.

Within an academic setting, the inflexible imposition of a program requirement (e.g. the amount of time to write an examination, attendance or participation in a clinical practicum which is inaccessible, etc.) may illegally discriminate against students who need to learn or demonstrate competency in a different way. Arbitrary enforcement of such requirements could constitute discrimination under human rights law. 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. However, in every instance, the University and its faculty must carefully consider the underlying rationale for any rule it wishes to impose when assessing a request for academic accommodation.

The University's Policy recommends that, where possible, instructors provide SSD with a summary of the essential academic requirements of their courses prior to or at the beginning of classes. The Policy further specifies:

The instructor is responsible for working with SSD to determine the manner and extent to which the student's needs, arising out of the diagnosed disability, can and should be accommodated. It is equally the responsibility of the instructor to question a suggested accommodation if it is inappropriate given the essential academic requirements of the course or program, or if it would alter the essential academic requirements of the course or program. In such circumstances, instructors are encouraged to suggest alternative accommodations, where appropriate.

Who Has Responsibility for Proving that an Academic Accommodation Causes 'Undue Hardship'?

Ontario human rights law states that it is the person responsible for making the accommodation who must prove that the accommodation causes undue hardship. Depending on the nature and circumstances of each situation it will be the responsibility of the appropriate University officer(s) to demonstrate that providing a requested academic accommodation causes undue hardship. It is not up to a student with a disability to prove that the requested academic accommodation does or does not cause undue hardship.

How does UWO's Policy Work?

The University's Policy is a collaborative one involving the student who requests accommodation, Services for Students with Disabilities (SSD), which co-ordinates the process and the student's instructor(s), department or faculty. Effective and open communication is the key to assessing and

meeting the needs of both students and instructors.

What are the Responsibilities of Students, SSD and Faculty?

Western's policy recognizes that the process of requesting, considering, granting and making arrangements for academic accommodations imposes certain responsibilities on those involved.

The Responsibilities of a Student

Requests are to be made in writing to the Coordinator of SSD. Incoming first year or transfer students should submit all required documentation to SSD by August 1 or as soon as possible after they receive their offer of admission from the University. It is strongly recommended that returning students contact SSD before the end of classes to ascertain what documentation will be needed if they intend to request accommodation in the following academic year. All required documentation should be submitted by August 1 or as soon as possible after registration. Students requesting accommodation for courses offered in Intersession, Distance Studies, Summer Day and Summer Evening Sessions, should submit all required documentation to SSD at least one month before the start of classes or as soon as possible after they receive their offers of admission. Graduate students requesting academic accommodation should submit all required documentation to SSD as soon as possible after they receive their offer of admission from the University and accommodation requests for a particular term should be submitted to SSD, with all required documentation, at least one month before the start of a term.

It is the responsibility of students requesting accommodation to ensure that complete documentation has been submitted to SSD by these deadlines where possible. If the required documentation is not submitted by these deadlines, the University may not be able to review the request for accommodation. In no event does the University accept responsibility for any delays in arranging accommodation due to insufficient or late documentation. Therefore, it is strongly recommended that students contact SSD as early as possible to ascertain the appropriateness of their documentation, so that further documentation, if required, can be provided to SSD within the time frames set out above.

SSD must be provided with sufficient detail in order for it to assess the request and recommend an appropriate accommodation. It will require adequate medical/psychological assessments, documentation of previous academic accommodations from other educational institutions, and details regarding the courses for which academic accommodation is sought. Students should contact SSD to obtain a complete list of the documentation required. Students requesting academic accommodation are obliged to provide information within their knowledge concerning the particular circumstances in which accommodation is needed or the adaptive equipment required in specific situations.

In the absence of acceptable documentation, arrangements must be made for assessment of the disability. SSD may provide assistance with these arrangements but cannot guarantee the timely accommodation of students who make requests but have not been professionally assessed in a manner acceptable to SSD. Documentation must come from a practising professional qualified to make the assessment (e.g., a registered psychologist or psychiatrist or ophthalmologist). In those situations where SSD determines that a student must provide acceptable or additional documentation of a disability, the appropriate officers of the University will determine whether the student or the institution will incur the cost.

Although not required, students are strongly encouraged to discuss their accommodation needs with their instructors. In making formal requests to SSD, students are deemed to consent to the release, by SSD to individual faculty members, of information about the nature of their diagnosed disability. This information should be sufficient to enable faculty to engage in informed discussions with the student and SSD on the manner and extent to which the student's needs, arising out of the diagnosed disability, can and should be accommodated. The student must also be prepared to work with SSD and the instructor in developing an appropriate accommodation.

A student with a disability should not be required to disclose confidential medical information to

instructors. For example, a student who needs a flexible schedule in order to accommodate daily psychiatric appointments during an examination period should not be required to reveal to an instructor the nature of the appointments as long as acceptable evidence of the need is on file with SSD.

The Responsibilities of SSD

Services for Students with Disabilities is a unit within the Student Development Centre. The staff members in SSD include registered psychologists and counsellors. It is the role of SSD to provide information and advice to the University community concerning the provision of services to students with disabilities, including academic accommodation.

As part of its role, SSD reviews and evaluates the sufficiency of medical and/or psychological assessments in support of student requests for academic accommodation. If SSD is satisfied that a student has a disability, it must determine if the disability is one that may require accommodation by the University and where appropriate it will recommend a specific academic accommodation to an instructor. SSD staff possess expertise in assessment and are charged with administrative responsibility for recommending accommodation and assisting with the appropriate arrangements for accommodation.

Students are required to make their accommodation requests to SSD and provide acceptable medical or psychological documentation to support their requests according to the deadlines set out under The Responsibilities of a Student. If it determines that these medical or psychological assessments are insufficient or inappropriate, SSD may require additional testing and/or assessments before it will consider the request for accommodation. In appropriate cases, assessments may be done by SSD psychologists. If SSD decides there is not adequate evidence of a disability or that the disability is not one requiring academic accommodation by the University, it will so advise the student. If SSD determines that there is a disability requiring academic accommodation, it will contact the course instructor. A recommended accommodation will take into account the student's functional needs and abilities, recommendations contained in the student's medical/psychological reports, the student's past experience with various types of accommodation, and any course information that has been provided to SSD.

SSD is also available to facilitate any special arrangements that need to be made in providing accommodation. SSD will provide certain special services and equipment to eligible students. These include:

- § arranging volunteer readers
- § processing requests for textbooks in audio-taped and Braille formats
- § providing personal counselling
- § supplying adaptive equipment and technology
- § conducting and/or making referrals for the assessment of disabilities
- § transporting students on campus as well as to and from the affiliated colleges
- § making specific or individual examination arrangements
- § co-ordinating interpreter services
- § securing access to buildings, washrooms and food services

When the accommodation involves an examination, SSD will ensure that the security measures are as stringent as for any other examination.

The Responsibilities of an Instructor

The instructor's role includes advising on the essential academic course requirements and on the properties of proposed evaluation methods. This information is key to determining appropriate accommodation. The instructor also has the responsibility to treat all students in the course fairly. In the process of determining appropriate academic accommodation, the instructor and SSD are essential partners.

It is the instructor's responsibility to participate in discussions of the manner and extent to which the student's needs, arising out of the diagnosed disability, can and should be accommodated. A plan for

accommodation could be as simple as adopting the suggestions made by the student or SSD, or exploring the feasibility of an alternate form of accommodation. The instructor also has a responsibility to act in a manner that is consistent with the University's statutory requirements under the Human Rights Code of Ontario.

Western's policy identifies the course instructor as the one to undertake this responsibility. The Senate Committee on Academic Policy and Admissions (SCAPA) considered a request to allow "...a course coordinator in a multiple-sectioned class to assume the role now assigned to the instructor...[[It was the unanimous opinion of the Committee that the Policy's current wording is both adequate and appropriate." (Senate Minutes of 14/11/97, Exhibit III, p. 5.) A course coordinator may not assume the responsibility of the course instructor under Western's policy.

The University Senate's policy does not specifically contemplate students with disabilities directly approaching course instructors for academic accommodation. However, should this occur, an instructor must make a referral to SSD. Western's policy is clear that students requesting an academic accommodation must have appropriate documentation on file with SSD. Instructors should be mindful of this requirement and not solicit such information directly from the student.

As noted above, under the heading The Responsibilities of a Student, students seeking accommodation must consent to the release of information sufficient to enable the instructor to have an informed discussion with SSD. Students are not expected to consent to SSD's release of the file containing the diagnostic assessment of their disabilities. Once SSD has determined that there is a disability, the validity of the assessment cannot be at issue. Accordingly, the information to be provided to instructors is limited to that which is sufficient to enable them to determine either whether a suggested accommodation is appropriate or whether there is a more appropriate accommodation, given the essential academic requirements of the course.

The Responsibilities of a School, Department or Faculty

The School, Department or Faculty has the primary responsibility for adapting its services to the needs of students with disabilities who require accommodation. Where a School, Department or Faculty cannot provide the required accommodation without additional financial or physical resources, it may request assistance from the Provost's office. In exercising this responsibility, all those involved must recognize the University's obligation to provide reasonable academic accommodation that respects both the privacy and dignity of the student, as well as the academic integrity of the programs.

Where Can An Instructor Get Advice or Assistance If A Problem Occurs?

Depending on the circumstances and the nature of the problem, an instructor can obtain advice or assistance from several sources.

A part of SSD's role is to provide general advice and assistance on the ways an instructor can successfully accommodate a student with a disability. In addition, instructors may obtain material from SSD on accommodation strategies for classrooms and laboratories and on ways to accommodate specific disabilities. Under Western's Policy the Provost has appointed a group of faculty advisors whose role is to provide advice on request to SSD and instructors concerning ways to accommodate a particular disability. A list of current Faculty Advisors can be obtained from SSD.

What Happens if An Agreement on Accommodation Cannot Be Reached?

If an instructor cannot agree to the specific accommodation proposed by SSD, the Chair¹ shall discuss

¹ 1.A reference to "Chair" throughout this document is to be interpreted:

For Faculties with Departmental Structure, as the Chair of the Department.

For the Faculty of Education, as the Program Chair.

For the Faculty of Health Sciences, as the Director of the relevant School.

For interdisciplinary undergraduate programs, i.e., Administrative & Commercial Studies, Environmental Studies, International &

the matter with the instructor and SSD. If the department Chair agrees with the instructor, the matter shall be reviewed by the Dean². (In the case of graduate students, the review shall be conducted by the Vice-Provost (Graduate and Postdoctoral Studies.) If the Vice-Provost agrees with the Chair, the student may apply to have an appeal against the decision of the Vice-Provost (SGPS) heard by the Senate Review Board Academic. If a Vice-Provost (SGPS) accepts the accommodation proposed by SSD, the instructor may appeal the decision of the Vice-Provost (SGPS) to the Provost & Vice-President (Academic) (or the Principal, in the case of an Affiliated University College) whose decision is final and not appealable to SRBA.

In recognition of the fact that some weeks may elapse between initiation of a request for accommodation and a final decision by the University, the accommodation proposed by SSD shall be maintained until the appeal process is completed.

Where a student has been accommodated pending the final disposition of all appeals, and such disposition is that accommodation should not be granted, the grade received on any examination, test or assignment completed under the conditions of interim accommodation is to be nullified. Any such examination, test or assignment must then be re-administered without the interim accommodation. If readministration of such examination, test or assignment is not possible, an alternative means of fairly determining the student's course mark must be devised by the instructor and communicated to the student.

Comparative Studies, as the program director.
For graduate programs, as the Graduate Program Chair.

Note: For Faculties without Departmental structure not covered above, the levels are instructor and Dean. If the instructor and SSD cannot agree on an appropriate accommodation, the matter shall be reviewed by the Dean.

² A reference to "Dean" throughout this document is to be interpreted:

For all graduate programs, as the Vice-Provost (Graduate and Postdoctoral Studies).
For Women's Studies courses, as the Director of the Centre for Women's Studies and Feminist Research.