

# **BROCK UNIVERSITY** **ACADEMIC ACCOMMODATIONS PROCESS FOR STUDENTS WITH** **DISABILITIES**

## **1. Introduction**

Brock University is committed to fostering a community where all persons have access to education and the opportunities it provides in an academic environment that is accessible and which respects the rights and dignity of the individual. All members of the University community are obligated to interact on the basis of mutual respect, and to promote an environment which illustrates our commitment to undertake reasonable efforts in providing equity of opportunity.

## **2. Principles Regarding Academic Accommodation of Students with Disabilities**

Section 1 of the Ontario Human Rights Code guarantees the right to equal treatment in services without discrimination on the ground of disability. The scope of “educational services” includes the mastery of knowledge, academic standards, evaluation and accreditation. It also encompasses the development of a student’s personality, skills, physical and mental abilities to their fullest potential. The basic principles of respect for dignity, individualization and inclusion are intrinsic to the accommodation process, together with the shared responsibility of all parties to cooperatively engage in the process.

Once a disability related need has been identified, the university has a duty to provide reasonable accommodations in order to allow the student access to educational services equally, unless to do so would cause undue hardship. **(See Appendix 1) Accommodation is a means of preventing and removing barriers that impede students with disabilities from participating fully in the educational environment in a way that is responsive to their own unique circumstances.**<sup>1</sup> The purpose of academic accommodations is to provide students with documented disabilities equal opportunity to participate and fulfill the essential requirements of their post-secondary education. Each student’s needs are unique and must be considered on an individual basis. At Brock University Services for Students with disABILITIES (SSWD), Student Development Centre facilitates the provision of academic services and supports to students with disabilities.

All students have met admission requirements but some may have received academic accommodations in the past. All students are expected to meet academic and non-academic requirements. Once appropriate academic accommodations are received, students are expected to successfully meet the essential requirements of the course or program, with no alteration in

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<sup>1</sup> Guidelines on accessible education, Human Rights Commission, September 2004

standards or outcomes, although the manner in which the student demonstrates mastery, knowledge and skills may be altered.

Familiarity with applicable legislation and other related documents are essential in assisting all parties to work together to identify and implement appropriate academic accommodations.

Further information and an understanding of our duty to accommodate can be found in the following documents:

- Government of Canada Canadian Charter of Rights and Freedoms  
[http:// laws.justice.gc.ca/en/charter](http://laws.justice.gc.ca/en/charter)
- Government of Canada, Canadian Human Rights Commission, Duty to Accommodate  
[http://www.chrc-ccdp.ca/preventing\\_discrimination/toc\\_trm-en.asp](http://www.chrc-ccdp.ca/preventing_discrimination/toc_trm-en.asp)
- Ontario Human Rights Commission, Guidelines on Accessible Education, September 2004  
[www.ohrc.on.ca](http://www.ohrc.on.ca)
- Ontario Human Rights Commission, Achieving Barrier-Free Education for students with Disabilities (The Opportunity to Succeed), October 2003  
[www.ohrc.on.ca/](http://www.ohrc.on.ca/)
- Ontario Human Rights Commission, Policy and Guidelines on Disability and the Duty to Accommodate  
[www.ohrc.on.ca](http://www.ohrc.on.ca)

### **Temporary Disabilities and Academic Accommodations**

Students who experience a temporary short-term medical impairment unrelated to a documented disability may require temporary academic accommodations. A temporary impairment is typically expected to be present for 6 weeks or less and is common to the general population, such as a virus, broken bone, sprained muscles, lacerations, or minor surgeries.

In these situations, students should discuss the situation with their individual faculty member(s). Faculty will then advise the student of appropriate university policy i.e. exam deferral, make-up exam, and make individual academic accommodations for the student.

### **3. Roles, Rights and Responsibilities**

This section outlines the roles, rights and responsibilities of the student with a disability, the University, the faculty/staff, Services for Students with disABILITIES (SSWD) and the Accessibility Coordinator. It must be recognized by all parties that accommodation is a shared responsibility; one of the primary responsibilities of all parties is to engage in a meaningful dialogue about said accommodations.

#### **Student with a Disability**

- Advise SSWD of the existence of the disability.
- Make his or her needs known to the best of his or her ability, preferably in writing, in order that the person responsible for academic accommodation may make the requested accommodation;
- Answer questions or provide information regarding relevant restrictions or limitations, including information from health care professionals, where appropriate, and as needed;
- Participate in discussions regarding possible accommodation solutions;
- Co-operate with any experts whose assistance is required to manage the academic accommodation process or when information is required that is unavailable to the person with a disability;
- Follow the policies and procedures needed for administering services and supports, as outlined by SSWD.
- Meet curriculum standards once accommodation is provided;
- Work with the SSWD and other appropriate university personnel as needed on an ongoing basis to manage the accommodation process.
- Discuss his or her disability only with persons who need to know.

### **Brock University**

#### **Institutional Responsibilities**

##### **Brock University**

- SSWD is responsible for facilitating the provision of services to students with disabilities who have been diagnosed with a physical, medical, sensory, mental health, or learning disability (See below). **However, the duty to accommodate rests on the University as a whole.**
- Clear and reasonable processes and guidelines for seeking academic accommodation should be in place. Timelines should be clearly communicated to all students and followed in as timely a manner as possible.
- The process of academic accommodation, as well as the outcome, should be respectful of the dignity of the students affected, and should take into account the importance of inclusion and full participation. Any planning for individual academic accommodation should recognize that students with disabilities are important stakeholders in the process.

- The University still has a responsibility, short of undue hardship, to cover the cost of the required academic accommodation, unless there is sufficient and non-discriminatory outside funding available.
- The onus is on the University to demonstrate undue hardship if arguing this case. (See Appendix 1 Undue Hardship)

### **Faculty and Staff**

- Faculty and staff have a duty to educate themselves about disability-related issues, to interact with students in a non-discriminatory manner, to engage in the academic accommodation process, and to provide appropriate accommodation to the point of undue hardship.
- Faculty and Staff who are responsible for designing or developing new or revised academic courses, curricula, services, processes and facilities have a responsibility to ensure that these are designed inclusively, with the needs of students with disabilities in mind.
- Faculty is encouraged to include the syllabus statement regarding students with disabilities in their course outlines.
- In certain circumstances SSWD may request that Faculty who have a student who has been identified as having a disability shall define the essential course requirements in order to facilitate the academic accommodation process. It is important to note that determining essential course requirements is a key element of developing reasonable appropriate academic accommodations.
- Faculty has the right to determine course content and general methods of teaching.
- Ensure that the standards in their course are not lowered or compromised.
- Ensure that a student has demonstrated the assessed level of competence of the essential requirements of the course in order to obtain an appropriate grade.
- Faculty has the right to fail any student if he/she does not meet essential course requirements.
- Determine, through consultation with SSWD and other knowledgeable professionals, the most appropriate ways to adapt the course to the needs of a particular student with a disability.

### **Services for Students with Disabilities (SSWD)**

- Facilitate the provision of services and accommodations to students who have a physical, mental, medical, sensory, mental health, or learning disability.
- Work collaboratively with others in the Brock community to develop an equitable and accessible environment so that students with disabilities are fully included in the learning and living process on campus.
- Recommend academic accommodations for students, which may include test and exam accommodations, note takers, technical assistance, individual and group assistance in developing compensatory learning strategies, and self advocacy skills.
- Assist students to advocate for themselves, and when needed, to advocate on behalf of individual students.
- Educate and consult with faculty, staff members and students regarding disabilities and academic accommodations.
- Participate actively in the academic accommodation process.

## **Accessibility Coordinator**

- Responsible to oversee and implement the University's compliance with the Ontarians with Disabilities Act (ODA, 2001) and the Accessibility for Ontarians with Disabilities Act (AODA, 2005).
- Collaborate with faculty, staff, students and the Niagara community to undertake a comprehensive planning process in order to produce the Annual Brock University Accessibility Plan (ODA, 2001) which addresses the identification, removal and prevention of "barriers" - physical, architectural, information or communication, attitudinal, technological barriers, or a policy or practice in the University's by-laws, policies, programs, practices and services.
- Ensure the University-wide implementation of measures, policies, practices and requirements identified in prescribed Accessibility Standards (AODA, 2005) in order to achieve accessibility for persons with disabilities.
- Act in an resource capacity to ensure the prompt and equitable resolution of accessibility issues that may involve employees, students and the public
- Advise on accessibility issues to the AVP of Student Services and the University President
- Facilitate in-service education and training opportunities with University departments regarding accessibility planning legislation and accessibility issues.

## **4. Academic Accommodation Process**

1. Students who are requesting academic accommodations due to a disability must contact the Student Development Centre, Services for Students with disABILITIES (SSWD). All disability related requests made directly to an instructor should be referred by the instructor to SSWD.
  - i. New students to the university are encouraged to contact SSWD and provide the required information as soon as possible after receiving an offer of admission.
  - ii. Returning students should contact SSWD and provide the required information at the beginning of each academic year and as soon as possible after registration. Accommodations for new courses will be reviewed each term and are not provided automatically
  - iii. All requests must be provided before the last date for withdrawal from courses without academic penalty (as stated in the University Calendar).
  - iv. Students whose circumstances change (i.e. a new diagnosis of disability or symptoms of a condition change) should contact SSWD or their Associate Dean's office immediately.

Failure to make requests for accommodation and/or provide the required documentation by the specified deadline may delay or prevent the implementation of academic accommodations. ***The University cannot guarantee that accommodations can be put in to place for the current academic term, after this date.***

2. SSWD will review and verify **documentation of disability**.  
***See Appendix 2. Documentation Guidelines***

3. In consultation with the student, SSWD will, as appropriate, consider any course information and the student's disability related needs to develop a proposed academic accommodation plan. SSWD is responsible for assessing the needs of students with disabilities through individual assessment, in accordance with relevant related legislation, and on information gathered from the student, from course information and on the basis of relevant professional documentation.

***See Appendix 3. Determining Appropriate Academic Accommodations***

If it is determined that a request from a student is inappropriate according to disability related documented need, or may compromise the essential requirements of the course, SSWD will discuss appropriate alternate accommodations with the student. At no time should academic accommodation compromise the essential requirements of a course or program.

**See Appendix 4 Determining Essential Criteria**

4. SSWD will prepare a letter of introduction to the instructor outlining the proposed accommodations.

5. The student will make an appointment to meet with the instructor to deliver the letter of introduction and discuss the proposed accommodations directly with the instructor. If the instructor agrees with the proposed accommodations, the instructor will sign the letter. The student must return the signed letter to SSWD within 14 days of receipt from SSWD in order for accommodations to be put in place. **No class or exam accommodations will be administered until the instructor's approval is confirmed by receipt of the signed letter of introduction.**

6. If questions arise regarding

- the nature of the proposed accommodations
- the legitimacy of the academic accommodations
- the nature of the disability vs. the specific requirements of the learning environment

And/or if more information is needed by the SSWD case manager in order to determine appropriate accommodations, SSWD will initiate a discussion immediately with the instructor to exchange information and negotiate accommodations. If these questions arise for the instructor after discussion with the student, the instructor shall contact SSWD immediately. Together the instructor and SSWD representative will work collaboratively to determine if an accommodation may compromise a course requirement and to determine reasonable alternatives.

7. The method of accommodation will be discussed among the student, instructor and SSWD representative. If the student agrees with the accommodation, SSWD will complete the accommodation plan with the student and the accommodation process will continue. A letter will be prepared for the instructor's signature.

If the course component is found to be essential AND cannot be accommodated, the student will be informed of the outcome and will be advised of their options which could include: appeals process, withdrawing from the course, continuing in the course with no accommodation, course substitution

8. If the student / SSWD do not agree with the recommended accommodation, SSWD will re-assess the disability related reasons for the rejection. If re-negotiation is found to be appropriate, SSWD will contact the instructor to request further discussion and consultation between the instructor, student, SSWD representative, Department Chair and Dean as deemed necessary.

If SSWD finds that the student has no disability related reasons for the rejection of the recommended accommodation, the student can choose to accept or reject the revised accommodation(s). If the student rejects the recommended accommodation, the student will be advised of their options, which include: academic accommodation appeal process, withdrawing from the course, continuing in the course with no accommodations.

## **5. Process for Handling the Denial of Academic Accommodation Request**

Accommodation decisions require the collaboration and agreement between student, faculty and SSWD staff. It is expected that every effort will be made by all parties to bring about a mutually acceptable agreement between students and instructors.

Accommodation requests can be denied by SSWD initially, or there may be situations where an instructor does not agree about whether an accommodation may be appropriate, and there has been consultation with SSWD staff.

Firstly, steps 1 through 8 of the accommodation process must have been completed. If an issue is unresolved and where a disagreement exists, SSWD shall, within 5 working days of being aware of the disagreement advise the student of the appeal process.

### **Appealing Academic Accommodation Decisions**

The student may appeal a decision to deny an accommodation request by submitting a formal written request to the Academic Accommodations Review Committee.

***(See Appendix 5 Academic Accommodations Review Committee, Terms of Reference)***

The case will be referred to the Accommodations Review Committee to determine:

1. If the component in question is essential
2. If the requested / recommended accommodation would compromise an essential component
3. Is the accommodation acceptable? If not, are other accommodation methods suitable?

## Appendix 1

### UNDUE HARDSHIP

Undue hardship is based on three factors:

#### 1. Cost

- Quantifiable
- Substantial such that the cost of accommodation would alter the essential nature of the enterprise, or so significant that the costs would substantially affect the institution's viability

#### 2. Outside Sources of Funding

- Make use of outside resources in order to meet the duty to accommodate and must first do so before claiming undue hardship, OHRC, guidelines, section 4.3.2.

#### 3. Health and Safety

"There may be situations where a student poses a health and safety risk to him or herself that would amount to an undue hardship or an otherwise appropriate accommodation is impossible to implement in the particular circumstances. However, it is important that education providers not rush to such a conclusion. Further training for staff or further supports for the student may resolve the issue. [The threshold for undue hardship is high] and therefore "the accommodation process must be fully explored, to the point of undue hardship." VI

"It is not discriminatory to refuse an [accommodation] because a person is incapable of fulfilling the essential requirements or exercising the right. However, a person will only be considered incapable if the needs of the person cannot be accommodated without undue hardship."

"Where there is a dispute regarding a proposed accommodation, and [the university] alleges undue hardship, the onus is on the [university] to demonstrate it. It is not the responsibility of a student seeking accommodation to prove that a proposed accommodation would not cause undue hardship"



## Appendix 2

### Documentation Guidelines for Students with Disabilities

Documentation must indicate that a specific disability exists and that the disability substantially limits one or more of life's major activities which could include walking, sitting, standing, seeing, hearing, speaking, breathing, learning, working, or other similar activities. The documentation must also support the request for accommodations or academic adjustments and/or aids and devices and verify the functional impact of the disability on the student's academic performance. Diagnosis of a condition or disorder does not in itself automatically qualify a student for any and all accommodations.

The Ontario Human Rights Code Guidelines, 1994, notes that:

- A person must "communicate his or her needs in sufficient detail and cooperate in consultations to enable the person responsible for accommodation to respond to the request."
- The university, as the body responsible for accommodating, must have sufficient information "to properly assess the impact of the disability on the specific academic task and know how to make the requested accommodation".

The Services for Students with Disabilities (SSWD) requires documented diagnostic information regarding a student's disability, as well as information about how the disability can impact academic performance. **Documentation must come from a qualified practitioner who is certified in the areas of the disability.**

#### Required documentation for a student with a Learning Disability:

- A copy of your latest psycho educational assessment, which has been completed within the last three to five years by a registered psychologist or psychological associate. The report must contain a **clear diagnostic statement indicating the presence of a learning disability**. Statements such as "suggest the presence of" or "may indicate" are not acceptable diagnostic statements. Also, the report should make every effort to identify the underlying psychological processing deficit.
- A previous I.E.P. or letter from your high school/college detailing the types of academic accommodations you have utilized in the past few years.

#### **A psycho educational assessment report should contain the following:**

- A detailed interview to obtain relevant background information
- Review of relevant educational records
- A formal intelligence test (eg. WAIS III).
- A formal measure of academic achievement (eg. WJ-III) Note: the WRAT is not considered an acceptable measure when used on its own.
- A formal measure of Memory skills (eg. WMS III).
- Summary section should include a detailed description of the how the student's psychological processing deficit impacts their current learning endeavours.
- Efforts to rule out differential diagnosis.

- Recommendation section should include ideas that may assist in meeting the students disability related needs

This information will assist us in determining the most appropriate aids, services and accommodations that will address the functional limitations of the disability.

**Required documentation for a student with a Medical, Sensory or Mental Health Disability:**

A completed **Verification and Impact Statement of Disability Form** which is available on-line at [www.brocku.ca/sdc/sswd](http://www.brocku.ca/sdc/sswd) or from the Student Development Centre **OR**

A letter from a licensed medical practitioner, qualified in the appropriate specialty area, which must be current (within the last 6 months) and include:

- Name.
- Date of Birth.
- Diagnosis of disability
- Date(s) of initial diagnosis(es).
- Pertinent treatment.
- Frequency and duration of care.
- Current medications with possible effects on academic performance.
- Pertinent tests.
- Prognosis.
- Current functional impact/assessment including (where appropriate):
  - Assistive devices, specialized equipment, environmental adaptations required.
  - Physical tolerance/activity engagement.
  - Gross and fine motor function.
  - Situational responses.
  - Cognition.
  - Communication.
  - Patient's recommended follow-up.
- Name of practitioner, professional credentials, address, phone number, typed, dated, and signed.

**Students with a hearing disability should also include:**

- Audiologist report.
- Use of assistive devices, e.g. hearing aids, FM System.

**Students with a visual disability should also include:**

- Visual acuity (best corrected).
- Visual field limitations.

**All documentation must be on the practitioner's official letterhead OR include an official office stamp.**

**Qualified medical practitioners include: Physician, Psychiatrist, Psychologist, Audiologist, Chiropractor, Occupational Therapist, Optometrist, Ophthalmologist, Physiotherapist, Speech-Language Pathologist.**

**Returning students may be required to provide updated documentation in order to assess or adjust required accommodations.**

## Appendix 3

### Determining Appropriate Academic Accommodation

Determining support services and accommodations for students with disabilities is often a complex task. Each person's needs are unique. Many factors need to be considered, including the nature of the disability, the impact or functional limitations caused by the disability, the appropriateness of the accommodation request or recommendation, specific requirements of the chosen program / course, issues of academic integrity, legislative and funding mandates, social policy guidelines and professional ethics. All of these factors must be considered when determining reasonable accommodations.

The following are initial questions, which are posed when a student identifies as having a disability and requests disability related services, supports and accommodations

**1. Is there a documented disability?**

Students are required to submit documentation of disability from a qualified, licensed clinician. The documentation must be comprehensive and include information on the impact of the disability and any functional limitations due to the disability

**2. If yes, how does it affect participation in education?**

Accommodations must be appropriate to the affect of the documented disability. While other factors may require special consideration (such as temporary illness, financial needs, psychological stressors), needs that are not a direct result of the disability will not be considered when assessing formal accommodations. Issues that are common to the general population from time to time should be considered on a personal compassionate basis and should not fall under the umbrella of disability legislation.

Also of importance is the consideration of equal participation. The diagnosis of a disability does not automatically mean that a student is disadvantaged. For example, symptoms of a diagnosis of Attention Deficit Hyperactivity Disorder can be effectively controlled with medication. In this case, a person taking effective medication may not be severely disadvantaged and accommodations would be determined based on the current (medication controlled) functional impacts, if any.

**3. Is the accommodation appropriate and relevant to the disability?**

Accommodations need to be relevant to the disability. For example, for a student with a diagnosed learning disability significantly affecting processing speed, the accommodation of extra time would be relevant. For a student with a fine motor difficulty such as spasticity or arthritis, speed of writing would be affected; however, a more relevant accommodation would be the use of scribe or dictation software.

It may or may not be relevant for a student with a hearing loss to be granted extra time to write exams. If a person acquired the hearing loss later in life, after learning speech, reading and spelling there may be no reason for extra time. However, if the hearing loss were present from birth, these tasks would have been learned by rote memory, without sound and symbol association. It would take significantly longer for the student to complete the writing process, as there is no sound association. In this case, the accommodation of extra time would be relevant to the specific disability.

4. Will the accommodation compromise an "essential requirement" of the course/program?

**See Appendix 4. Determining Essential Requirements**

#### **Appendix 4**

##### **Determining Essential Criteria**

*Taken from Determining Essential Criteria: Guidelines for Accommodating Students with Disabilities in the University sector, Inter-University Disability Issues Association (IDIA) 2003*

"Essential" is defined by two factors; 1) the skill must be demonstrated to meet the objectives of the course; 2) the skill must be demonstrated in a prescribed manner.

"Terms that have been used [to describe essential] include indispensable, vital, and very important'. Thus, a requirement should not lightly be considered to be essential, but should be carefully scrutinized. This includes course requirements and standards. For example, it may likely be an essential requirement that a student master core aspects of a course curriculum. It is much less likely that it will be an essential requirement to demonstrate the mastery in a particular format, unless mastery of that format (e.g., oral communication) is also a vital requirement of the program. In contrast, non-essential duties would not detract from the main purpose of the [course or program] if they were not done or [done in a different manner]".

"It is important that instructors identify the essential requirements (or components) in their course and/or program. If an instructor is very clear about what is being taught, and why it must be done a certain way, it is much easier to find creative solutions to the needs of students with disabilities". Where an instructor has not determined the objectives prior to the design of the course, the SSWD may need to consult with the instructor in making informed decisions about determining appropriate accommodations without compromising the essential component.

## **Appendix 5**

### **Academic Accommodation Review Panel** **Terms of Reference**

#### **Purpose**

The purpose of this panel is to act as the final internal route for students with disabilities to review disputed academic accommodations within the academic programs. This review process is only to be utilized by those students who have identified with Services for Students with disABILITIES. It is recognized that faculty members are under no obligation to provide academic accommodation to a student who has not participated in the accommodation process.

#### **Membership:**

**Chair-** Brock University Accessibility Coordinator  
Senate Faculty Representative – Accessibility Issues  
Director Centre for Teaching, Learning, and Educational Technologies  
BUSU- Diversity Representative  
Associate Dean – Faculty under Review  
Undergraduate Student Representative At-Large  
Graduate Student Representative

#### **Procedures**

1. A written request for review must be filed within **7 working days** upon completion of the final step of the formal academic accommodation process within the Services for Student with disABILITIES office. Appeals must be filed with the Brock University Accessibility Coordinator.
2. Upon receipt of a written request from a student to appeal an **academic accommodation decision**, the Accessibility Coordinator will, typically, within **7 working days**, convene a panel of the aforementioned members to review the disputed accommodation(s).
3. The Academic Accommodation Review Panel will have access to all written notes and documentation related to the case as part of this review. Documentation will include: course outline, **a description of the learning outcomes of the course**, and disability related assessments.
4. Each party including the student, a representative of the Services for Students with disABILITIES, and the Faculty member will have an opportunity to present information deemed pertinent to the case. Information can be provided in written **and/or oral format**.
5. Information shared as part of this review process is to remain confidential.
6. The Academic Accommodation Review Panel can request external consultation as part of review to make an informed decision on accommodations.

7. Reasonable accommodations will be provided to any party with a disability so they can participate in the academic accommodation review process. Accommodation Requests must be made at the time of filing written request for academic accommodation review.
8. Students' reserve the right to retain the advice and assistance of BUSU – Student Ombudsperson. The Ombudsperson will not speak to the review panel on behalf of the student.
9. Decisions of the Academic Accommodation Review Panel will be arrived at by consensus of the members of the committee.
10. The Academic Accommodation Review Panel will render and provide a written decision within 3 working days. Decisions will be limited to either upholding or denying the recommended accommodations or approving suggested alternate accommodations methods for the student.

The decision of the Academic Accommodation Review Panel is final.

The Academic Accommodation Review Panel will document the meeting to include the following:

- The date and time of the meeting
- Agenda
- Members present
- Discussion: course objectives, how accommodation would compromise the essential requirements of the course or course component, any alternatives discussed and how they would or would not meet the accommodation need.
- Decisions rendered

*All records of decisions are to remain in the office of the Accessibility Coordinator for a period of 10 years.*