

POLICY FOR ACCOMMODATING STUDENTS WITH DISABILITIES

Approved at Senate 28 March 2011

1. Institutional Commitment

Mount Saint Vincent University (MSVU) is committed to creating a rich and rewarding experience for all members of our community. Proud of the rich diversity of our community, the Mount provides services which both celebrate and support this. The University supports academically qualified students with appropriately documented disabilities in their efforts to participate as fully as reasonably possible in the University's programs. The academic accommodations provided shall be consistent with the principles of both the Canadian and Nova Scotia *Human Rights Acts* and the Mount's Fair Treatment Policy as they apply to the provision of academic accommodations and services to students with disabilities.

2. Purpose

This Policy will:

- Outline the roles and responsibilities of students, faculty, and administration in the provision of academic accommodations to students with disabilities.
- Provide guidance and standards for the implementation of this Policy understanding that accommodations have to be determined on an individual basis.

3. Scope

This Policy applies to the treatment of all MSVU students with documented disabilities enrolled in fulltime, part-time, undergraduate or graduate programs of study whether they are studying on or away from campus. The University has adopted the meaning of disability as established in the Nova Scotia *Human Rights Act*, as amended from time to time, which includes physical, sensory, mobility, communication, learning, emotional, psychiatric and other non-visible impairments and disabilities. For further details, see Appendix A for the definition of "disabilities" according to section 3 (1) of the Nova Scotia *Human Rights Act*.

4. Academic Standards and Accommodations

Academic accommodations are reasonable modifications or adjustments to instructional methods, curriculum, and/or evaluation designed to minimize the impact of the disability on a student's performance. MSVU takes the *duty to accommodate* (See Appendix C) seriously by providing the most appropriate accommodations, short of *undue hardship* (See Appendix C). These accommodations are designed to provide equitable opportunities without lowering academic standards or compromising the integrity of the course or program. In some circumstances, the nature and degree of a disability may mean that no reasonable accommodation would enable an individual to perform the essential requirements of a course or program without compromising its academic integrity. In these cases accommodations will be considered, but may be refused. Accommodations are determined on a collaborative basis and guided by the Canadian Human Rights Act as well as on an individual basis having regard to the individual student's particular circumstances (see Appendix B for examples of academic accommodations).

5. Collaboration and Shared Responsibility

The accommodation process is an ongoing shared responsibility between the student and the University. This will involve collaboration among the student, Disability Services, and faculty, and may include staff, administration, service providers and health professionals, as necessary. Students are expected to self- identify in a timely manner and (with the assistance of Disability Services) to collaborate with the University in developing accommodations as well as to advocate for their own needs.

6. Documentation

A student with a disability must register with Disability Services prior to requesting or receiving accommodations. The University requires written documentation containing a diagnosis, an outline of the impact the disability has on the student's learning and behaviour, and the types of accommodations recommended. The recommended accommodations must be relevant to the diagnosed disability. This documentation must be current and completed by a qualified professional with a specialization in the area of the disability. Such a professional may include a registered psychologist, psychiatrist, medical doctor, or other medical specialist. For a learning disability, documentation must include a psycho-educational assessment and report from a registered psychologist. In developing appropriate accommodations the recommendations of professionals will be considered.

7. Confidentiality

The University is committed to maintaining confidentiality when providing academic accommodations and related support services to students. However, the University needs sufficient information to evaluate and respond appropriately to a request for accommodation. Consequently, it may be necessary for the student or Disability Services to disclose information about the nature of the disability to staff and/or faculty in order for the accommodation request to be considered and implemented. Disability Services will discuss the need for the disclosure with the student and obtain written consent from her/him prior to sharing any information. The use of assistive technology in the classroom will be restricted solely to pedagogical purposes, and course material developed with its use should not be shared, distributed or reproduced for any other reason without the written consent of the instructor and other students.

8. Admissions

MSVU actively encourages applications from students with disabilities and admits academically qualified candidates in accordance with the University's admissions policy. Upon acceptance, students who wish to seek accommodation must contact the Coordinator of Disability Services as soon as possible in order to ensure they receive accommodations in a timely manner.

9. Enrollment Status

Students with documented disabilities are considered full time when registered in 2.0 units in the academic year.

10. Accommodation Appeals

In the event that an agreement concerning accommodations cannot be reached between a student with a disability, a faculty member, and Disability Services, the Equity Officer will recommend a resolution to the dispute. In determining a resolution, the Equity Officer will consult with the

affected parties while considering the Mount's Fair Treatment Policy, the Canadian Human Rights Act and the academic standards of the course or program in question.

11. Physical Accessibility

MSVU affirms its commitment to the physical accessibility of the Mount campus by continually monitoring and upgrading accessibility to its buildings.

12. Advisory and Policy Review Procedures

The Disability Advisory Committee (DAC) functions primarily as an advisor to Disability Services, students, faculty, staff and administration regarding issues related to students with disabilities. It is a collaborative and stakeholder-based committee comprised of the following:

- the Coordinator of Disability Services (chair),
- a representative from the student body (typically a student with a disability),
- a faculty member,
- a representative from the Registrar's Office,
- the Equity Officer,
- and an academic Dean.

The Advisory Committee will, on an annual basis, review the policy and make recommendations when required to the Associate Vice President of Student Experience.

Appendix A NS Human Rights Code

In section 3. (1) of the Nova Scotia *Human Rights Act*, R.S., c.214 amended 1991c.12 defines physical and mental disabilities as follows:

- 3.(1) "physical disability or mental disability" means an actual or perceived
- (i) loss or abnormality of psychological, physiological or anatomical structure or function,
 - (ii) restriction or lack of ability to perform an activity,
 - (iii) physical disability, infirmity, malformation or disfigurement, including, but not limited to, epilepsy and any degree of paralysis, amputation, lack of physical coordination, deafness, hardness of hearing or hearing impediment, blindness or visual impediment, speech impairment or impediment or reliance on a hearing-ear dog, a guide dog, a wheelchair or a remedial appliance or device,
 - (iv) learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
 - (v) condition of being mentally handicapped or impaired,
 - (vi) mental disorder, or
 - (vii) dependency on drugs or alcohol;

Appendix B

Types of Academic Accommodations

Accommodations provided to students may include, but are not limited to, the following:

Classroom Accommodations

- Note takers
- Tape recorders
- Laptops
- Accessible seating and mobility assistance
- Alternate formatting of classroom materials (e.g. electronic files, large print, Braille)
- Sign language interpreter

Test/Exam Accommodations

- Extended time
- Separate, reduced distraction location
- Modified test format
- Oral, scribed and dictated tests
- Use of computer, spell check, calculator, dictionary

Appendix C

Definitions

Duty to Accommodate

The term “duty to accommodate” is taken from the Canadian Human Rights Act and describes the legal obligation to meaningfully incorporate diversity into an organization. The duty to accommodate involves eliminating or changing rules, policies, practices and behaviours that discriminate against persons based on a group characteristic, such as race, national or ethnic origin, colour, religion, age, sex (including pregnancy), sexual orientation, marital status, family status and disability.

The duty to accommodate requires an organization to identify and eliminate rules that have a discriminatory impact. Accommodation means changing the rule or practice to incorporate alternative arrangements that eliminate the discriminatory barriers.

Undue Hardship

Undue hardship describes the limit, beyond which an organization is not expected to accommodate. Undue hardship usually occurs when an organization cannot meet the costs of or withstand the losses in efficiency resulting from the accommodation.

There is no formula for deciding what costs represent undue hardship and there is no precise judicial definition of “undue hardship.” However, “undue hardship” implies that some hardship may be involved in the duty to accommodate. Organizations are expected to exhaust all reasonable possibilities for accommodation before they can claim undue hardship.