



Senate

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POLICY

1. Institutional Commitment

Mount Saint Vincent University is committed to giving students with disabilities equal opportunities for academic success and personal development at university. The University supports academically qualified students with disabilities in their efforts to participate as fully as possible in university programs by providing services and reasonable academic accommodations. Academic accommodations shall be consistent with the principles of human rights legislation and the University's Harassment & Discrimination 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 staff in the provision of academic accommodations to students with disabilities.
- Provide guidance and standards for the implementation of this Policy, understanding that accommodations must be assessed on an individual basis.

3. Scope

This Policy applies to students with limitations, impairments or needs associated with a disability, which adversely affect their ability to fulfill the requirements of an academic course or program at the University.

This Policy applies to the treatment of all students with a disability enrolled at the University in full-time, part-time, undergraduate or graduate programs of study, whether they are studying on or away from campus, in the classroom, online, or through an experiential learning program.

4. Definition of Disability

The University has adopted the meaning of **disability** established by the Nova Scotia *Human Rights Act*, which includes physical, sensory, mobility, communication, learning, emotional, psychiatric and other non-visible impairments and disabilities. (For further details, see Appendix A).

5. Academic Standards and Accommodations

The University takes its **duty to accommodate** seriously by providing appropriate accommodations short of **undue hardship**. Academic integrity is one factor that is considered in assessing undue hardship. (For further details, see Appendix C).

Academic accommodations are reasonable modifications or adjustments to how a student:

- Accesses course or program content and information (e.g., curriculum);
- Participates in learning and course work (e.g., instructional methods); and/or
- Demonstrates skills or knowledge (e.g., evaluations and assessments).

(For examples of academic accommodations, see Appendix B).

Academic accommodations are designed to minimize the impact of a disability on the student's performance, having regard for the student's individual circumstances.

Students with disabilities will meet the same academic requirements and standards as all students, although the manner by which students with disabilities meet these requirements and standards may vary. Academic accommodations are designed to provide equitable opportunities to students with disabilities, 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, resulting in undue hardship to the University. In these cases, all reasonable options for accommodations will be considered before an accommodation is refused.

Accommodations are determined on a collaborative basis, guided by human rights legislation.

6. Collaboration and Shared Responsibility

The accommodation process is an ongoing shared responsibility between the student and the University. It involves collaboration between the student, Accessibility Services, and faculty, and may include staff, senior administration, service providers and health professionals, as necessary. The primary responsibilities of students, Accessibility Services and faculty in the accommodation process are outlined below.

6.1 Students are responsible to:

- a. Self-identify to Accessibility Services before the beginning of each term. (While exceptional circumstances will be assessed on a case-by-case basis, students are expected to register as soon as possible and in a timely manner);
- b. Provide Accessibility Services with documentation of their disability, as set out in Section 7 of this Policy or as otherwise requested by Accessibility Services;
- c. Cooperate in accommodation planning, implementation and monitoring, including by:
 - i. Approaching faculty at the beginning of each term to discuss how accommodations will be arranged in each class;
 - ii. Accepting reasonable alternate accommodation options proposed by Accessibility Services (in collaboration with faculty or others);
- d. Advise Accessibility Services immediately of the need for additional or revised accommodations;
- e. Advise Accessibility Services immediately of any concerns with faculty or staff;
- f. Abide by the procedures established by Accessibility Services as amended from time to time;
- g. Meet academic program requirements.

6.2 Accessibility Services is responsible to:

- a. Support students when self-identifying a disability and requesting accommodations;
- b. Review documentation supporting requests for accommodation, and request additional information or consult with qualified professionals for clarification, as needed;
- c. Work with students to devise an accommodation plan based on the documentation provided, available resources, and academic integrity;
- d. Communicate the accommodations for which the student is eligible to faculty and experiential learning;
- e. Assist students, faculty and staff to understand this Policy, and meet with students, faculty or staff to address any concerns with a disability or accommodation;
- f. Raise awareness within the University community about the duty to accommodate;
- g. Maintain confidentiality in accordance with this Policy.

6.3 Faculty are responsible to:

- a. Provide a positive, safe learning environment where students feel comfortable speaking privately about their challenges, needs and accommodations;
- b. Consider the needs of students with disabilities when planning and executing course requirements and teaching and assessment methods, in accordance with the principles of universal design for learning (contact the Centre for Teaching & Learning for additional resources);
- c. Collaborate with Accessibility Services and students to identify and support the needs of the student through academic accommodations;
- d. Refer students to Accessibility Services for information and support;
- e. Make every reasonable accommodation to facilitate and foster the learning of students with disabilities, consistent with academic integrity;
- f. Include a statement on course syllabi regarding accommodating students with disabilities, in accordance with the Course Outline Policy;

- g. Contact Accessibility Services immediately if they have questions or concerns regarding accommodations,
- h. Maintain confidentiality in accordance with this Policy.

7. Documentation

The University requires written documentation to support students' requests for academic accommodations on the basis of a disability. Supporting documentation must set out:

- i. The existence of a disability or medical condition;
- ii. The functional limitations, impairments, or needs associated with the disability; and
- iii. The types of academic accommodations that may be required to allow the student to fulfill the essential requirements of the academic course or program.

Documentation must be current and completed by a qualified professional with a specialization in the area of the disability, which 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 circumstances where a student's accommodation needs are complex or unclear, the student may be asked to cooperate by providing additional information, up to and including a diagnosis.

Accessibility Services will consider the recommendations of professionals when developing reasonable accommodations. In appropriate circumstances, Accessibility Services may approve certain accommodations on an interim basis for a specified period, normally a semester, pending receipt of comprehensive supporting documentation.

8. Confidentiality

The University will respect the confidentiality of students' personal information at all times, in accordance with applicable privacy legislation.

Information about a student's disabilities, including the fact that a student has a disability, will only be shared by Accessibility Services with faculty or staff to the extent necessary to evaluate supports required or to implement an accommodation in accordance with this Policy or another University Policy, and then only on a confidential basis. Accessibility Services will discuss the need for the disclosure with the student and obtain written consent from the student prior to sharing any information.

The use of assistive technology in the classroom will be restricted solely to pedagogical purposes. 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.

9. Admissions

The University 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 Accessibility Services as soon as possible in order to ensure they receive accommodations in a timely manner.

10. Enrollment Status

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

11. Dispute Resolution and Appeals

The Coordinator of Accessibility Services shall first attempt to resolve any concerns regarding the approval, interpretation or implementation of an accommodation. For instance, in the event a faculty member disagrees with an accommodation requested by a student or approved by Accessibility Services, the faculty member shall not deny the student the accommodation and shall raise their concerns directly to the Coordinator of Accessibility Services.

In the event an agreement concerning accommodations cannot be reached between a student, faculty member or staff, and Accessibility Services, any party may refer the matter to the Harassment & Discrimination Advisor for resolution in accordance with the University's Harassment & Discrimination Policy. In facilitating a resolution, the Harassment & Discrimination Advisor will consult with the affected parties while considering human rights legislation and the academic standards of the course or program in question.

12. Physical Accessibility

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

13. Advisory and Policy Review Procedures

The Accessibility Advisory Committee (AAC) functions as an advisor to Accessibility Services, students, faculty, staff and senior administration on issues related to students with disabilities. It is a collaborative and stakeholder-based committee comprised of:

- the Coordinator of Accessibility 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 Harassment & Discrimination Advisor, and
- a Dean.

The AAC will track the effectiveness of the policy on an ongoing basis and make recommendations to the Associate Vice-President, Student Experience, when required. A formal review of the policy shall occur at least every five years.

Appendix A

Nova Scotia *Human Rights Act*

In section 3(l) of the Nova Scotia *Human Rights Act*, RSNS, c 214 defines physical and mental disabilities as follows:

- 3(l) “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 co-ordination, 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 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:

Course Accommodations

- Note takers
- Audio recorders
- Laptops
- Accessible seating and mobility assistance
- Alternate formatting of classroom materials (e.g. electronic files, large print, Braille)
- Service animals (e.g. guide dogs)
- Sign language interpreter
- Excused absences from class due to disability or medical appointments
- Walk or stand in classroom
- Take medication with food in class as needed

Test/Exam Accommodations

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

Appendix C

Definitions

Duty to Accommodate

The term “duty to accommodate” describes the legal obligation under the Nova Scotia *Human Rights Act* 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 age; race; colour; creed; national or ethnic origin; religion; sex (including pregnancy), sexual orientation; gender identity or gender expression; marital or family status; source of income; political belief, affiliation or activity; and physical or mental 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 an individual with a disability. 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.” A number of factors are weighed when assessing whether the hardship associated with an accommodation is undue, including:

- a) The nature of the requested or required accommodation;
- b) The financial cost of the accommodation;
- c) Whether the accommodation would diminish the academic integrity of the program, including by altering or removing:
 - a. essential program content;
 - b. essential standards or requirements for evaluation and independent demonstration of knowledge or skills;
 - c. requirements for external accreditation or certification;
 - d. learning outcomes;
- d) The degree to which the accommodation might impact on or interfere with the rights of other students or faculty;
- e) Health or safety concerns that may arise as a result of the accommodation; and
- f) The cooperativeness of the student seeking the accommodation.

“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.