

POLICY: **Student Accommodation Policy**
APPROVED BY EXECUTIVE: **August 17, 2016**
SUPERSEDES POLICY: **June 17, 2015**

PURPOSE:

This policy outlines the responsibilities of students, faculty, administration and the Accessibility Services Office to accommodate qualified applicants and students with disabilities, and to provide a framework for developing appropriate accommodations allowing for equal opportunity for educational success.

SCOPE:

Applicants and students with disabilities are eligible to receive accommodations under the Ontario Human Rights Code.

DEFINITIONS:

Disability (permanent or temporary): Any physical or psychological condition as defined by the Ontario Human Rights Code that limits the opportunities of a person to meet the essential requirements of a course or program. Such conditions may include, but are not limited to: attention deficit disorder, blindness or low vision, brain injury, deafness or hardness of hearing, developmental disability, learning disability, medical condition, mental health disability, and mobility limitation.

Qualified Applicant: For the purposes of this policy, means a person who has applied to the College and whose qualifications appear to meet the requirements to be considered further for an offer of admission or has accepted an offer of admission to a College academic program, course or other academic offering.

Student: For the purpose of this policy, unless explicitly defined otherwise, means a person who is registered in a College academic program, course or other academic offering.

Accommodation: Refers to strategies to equalize the opportunity of a person with a disability in meeting the essential requirements of applying for or achieving the learning outcomes of a course or program. Accommodation extends distinctly beyond a standard level of service provided for the general population. Accommodation will be considered appropriate if it will provide an equal opportunity to attain the same level of performance, or to enjoy the same level of educational benefits experienced by others.

Interim Accommodation: Refers to strategies to equalize the opportunity of a person with a suspected or temporary disability in meeting the essential requirements of applying for or achieving the learning outcomes of a course or program. Interim accommodations are provided to students that have met with a Counsellor and are in the process of attaining supporting documentation or are experiencing a temporary physical or mental health disability. Interim accommodation will be considered appropriate if it will provide an equal opportunity to attain the same level of performance, or to enjoy the same level of educational benefits experienced by others.

Undue Hardship: In accordance with the Ontario Human Rights Code, the limit of the College's capacity to accommodate without experiencing an unreasonable amount of difficulty. This means

that the College is not expected to provide accommodation if doing so would bring about unreasonable difficulties based on health, safety, financial or other relevant considerations. The question of when undue hardship is reached must be evaluated in the context of each specific request for accommodations.

Supporting Documentation: Medical or psychological documentation that supports and establishes the existence of a disability and/or the functional limitations to determine the student's accommodation needs. Supporting documentation must be provided by a professional who is qualified and competent to provide the required information, and who is able to provide an objective opinion and evaluation. Where the documentation is not sufficient to determine the functional limitations of the student, the College may require that further supporting documentation be submitted.

POLICY:

General

The principles of this policy and responsibilities of the parties will comply with the dictates of the Ontario Human Rights Code.

1.1. Guiding Principles

- 1.1.1** The College focuses on the removal of barriers to education and services for students by designing facilities, systems, services and curricula in such a way that accessibility is enhanced and the need for individual accommodation is minimized.
- 1.1.2** Individualized assessment of accommodation options is explored with respect to any remaining disability-related needs in accordance with the Human Rights Code.
- 1.1.3** Accommodation is provided in such a way that integration and full participation of persons with disabilities is encouraged.
- 1.1.4** The needs of the student are accommodated in a manner that respects their dignity.
- 1.1.5** Willingness to explore solutions is key to treating students with respect and dignity.
- 1.1.6** As each person has unique needs, accommodation options are explored in an individualized manner.
- 1.1.7** The accommodation process is a shared responsibility among the student with a disability, and College staff including Professors, Accessibility Services staff and administrators.
- 1.1.8** Once accommodation is provided, students are expected to meet the published learning outcomes and essential requirements of their academic programs.

1.2 Responsibilities in the Accommodation Process

1.2.1 Responsibilities of the Student

- Advise the College of the disability and accommodation need as early as possible by contacting the Accessibility Services Office.
- Make their needs known to the best of their ability in order that the College may assess accommodation options.
- Discuss their disability and accommodation needs with persons who need to know. This will include Accessibility Services Counsellors and if they choose, Professors or administrators responsible for providing the accommodation.

- Provide supporting documentation of the disability and accommodation needs when necessary for accommodation, which will be kept confidential by the Accessibility Services Office in accordance with this policy.
- Participate in discussions regarding possible accommodation solutions.
- Cooperate with any experts whose assistance is required to determine accessibility needs or to manage the accommodation process.
- Work with College staff providing accommodations on an ongoing basis to manage the accommodation process, including providing further supporting documentation to the Accessibility Services Counsellor.
- Meet published learning outcomes and essential requirements of courses and programs once accommodation is provided.
- Notify the Accessibility Services Counsellor of retroactive accommodation needs for consideration.

1.2.2 Responsibilities of the College

- Accept the student's request for accommodation in good faith, unless there are legitimate reasons for acting otherwise.
- Advise students of accommodation support services and how they can be accessed.
- Take an active role in ensuring that alternative approaches and possible accommodation solutions are investigated.
- Maintain confidentiality and protect privacy.
- Comply with the Ministry of Training Colleges and Universities Tuition and Ancillary Fee Binding Policy Directive by providing students with permanent, documented disabilities that require a reduced course load as a learning accommodation, access to pay a reduced tuition fee of \$20 per course once they have paid the equivalent in tuition fees as a student taking the same program in the approved duration and in the same academic years and terms.
- Comply with the Personal Health Information Protection Act (PHIPA) and the Freedom of Information and Protection of Privacy Act (FIPPA) with respect to the collection, use and disclosure of personal health or other personal information collected under this policy.
- Limit requests for information needed to enable an appropriate response to the accommodation request.
- Grant accommodation in a timely manner.
- Keep a record of the accommodation request and action taken.
- Consider the student's request for retro-active accommodations.

1.2.3 Responsibilities of the Accessibility Services Office

- Serve as the central point of contact for all matters related to students with disabilities.
- Request supporting documentation as required. If there are questions or concerns about the information received, and with the informed consent of the student, the Accessibility Services Counsellor may consult further with the student's external health care provider.
- Assess the student's need for accommodations based on the supporting documentation, on input from the student, and on professional judgement.
- On behalf of the College, obtain an expert opinion or advice where needed.
- When other funding sources are unavailable, approve and bear the cost of any supporting documentation required by the College.

1.2.4 Responsibilities of Faculty

- Review faculty memos identifying accommodations for students with disabilities.
- Provide the necessary classroom accommodations.
- Practice Universal Design for Learning strategies to reduce the need for accommodations.
- Provide the necessary testing accommodations.
- Consult with the Accessibility Services Office and the student where needed.

1.2.5 Responsibilities of the Director of Student Services

- The Director of Student Services establishes, maintains and implements procedures and other resource documents as are deemed necessary by the Director to implement the provisions of this policy. Such documents reflect effective disability accommodation practices.
- Review of such documents is initiated by the Director on an annual basis. When major change is contemplated, the Director consults with stakeholders as appropriate.

1.3 Accommodation Principles

- 1.3.1** Under the Ontario Human Rights Code, students are not required to disclose their disability diagnosis to register for Accessibility Services accommodations and support access.
- 1.3.2** Persons with disabilities must meet applicant selection criteria and program eligibility criteria. Qualified applicants are provided reasonable accommodation with respect to any activities required by the College to demonstrate that they meet requirements for an offer of admission to a College academic program, course or other academic offering (e.g., providing adequate time to complete a required pre-admission test).
- 1.3.3** In some circumstances the nature or degree of a student's disability precludes the person from being able to perform the essential skills or demonstrate the essential knowledge required for a College program or course. However, a reasonable effort must be made by the College to accommodate the needs of the student with a disability before they are deemed to be unable to meet these requirements.
- 1.3.4** Where accommodation includes modification or waiver of a health or safety practice, the College assesses the resulting risk to the student and others. If the assessed risk outweighs the benefit of the accommodation, the College may deny the accommodation.
- 1.3.5** If a student's disability or accommodation needs put others at risk, that risk and the severity thereof must be identified and assessed to be a significant risk on an objective basis before it can become the basis for a refusal to accommodate the person's disability. Evidence is required to prove the nature, severity, probability and scope of the risk. Where warranted, the College may require additional medical or psychological assessment before the student can be accommodated in the College setting. The student may be required to adhere to a specified treatment plan in order to be accommodated at the College.
- 1.3.6** The College is guided by the attached Procedure A: Accommodation Procedures and Guidelines to facilitate the implementation of this policy.
- 1.3.7** Where a person with a disability cannot be accommodated in accordance with these principles, or where a person is found incapable of performing the essential requirements of a program or course, alternatives are explored with the student. Any exceptional arrangements regarding withdrawal without academic penalty must be

approved by the Dean/Chair of the program. Issues related to fees or possible fee refunds are to be submitted to the Registrar.

- 1.3.8** If a student's identified disability is a substantive barrier to the student's ability to present their appeal case, the College administrator acting under the appeal procedure of this policy makes an assessment and provides appropriate appeal process accommodation.
- 1.3.9** The College is not responsible for costs incurred by a party who retains a paid advisor.

REFERENCES

Ontario Human Rights Commission: Guidelines on Accessible Education (Approved by the Commission September 29, 2004)

Ontario Human Rights Code

Freedom of Information and Protection of Privacy Act (FIPPA)

Personal Health Information Protection Act (PHIPA)

Accommodation of Applicants and Students with Disabilities Policy 2-A-09 – Fanshawe College

Ministry of Training, Colleges and Universities, Tuition and Ancillary Fees Binding Policy Directive (December 2013)

RELATED POLICIES

Discrimination and Harassment Policy

Student Code of Conduct and Appeal Guidelines

Student Medical Assessment and Withdrawal Policy

PROCEDURE A: ACCOMMODATION PROCEDURES AND GUIDELINES

1. Accommodation Procedures

- 1.1** The College makes available to all students information about the availability of services for students with disabilities. Information about Accessibility Services is included with Offers of Acceptance for post-secondary programs. The Continuing Education calendar includes a general statement about the availability of assistance for students with a disability.
- 1.2** The student self-identifies their disability to the College by contacting the Accessibility Services Office. Early identification is encouraged so that appropriate academic accommodations can be put in place by the beginning of the term.
- 1.3** Accessibility Services meets with the student to collect necessary information, including supporting documentation identifying the functional limitations of the disability to determine accommodation needs.
- 1.4** The student is assigned to an Accessibility Services Counsellor, who reviews the information collected and assesses the supporting documentation. The student is invited to meet with the Counsellor to consult about appropriate academic accommodations.
- 1.5** The Accessibility Services Counsellor prepares a “Confidential Student Accommodation Memo” that is emailed to the student’s faculty and copied to the student. The memo lists academic accommodations suited to the person’s disability. The original signed student copy of the memo is held in the Accessibility Services file. The student’s supporting documentation remains strictly confidential and is kept secure in the Accessibility Services Office.
- 1.6** It is optional that the student arrange a private time with the faculty to review the required accommodations.
- 1.7** If the appropriate academic accommodation is a reduced load, the Accessibility Services Counsellor processes the appropriate documentation to the Registrar’s Office.

2. Challenge of an Accommodation

- 2.1** If a student has a concern about the adequacy of accommodation or the provision of accommodation, the concern should be raised immediately with the Professor or the Accessibility Services Counsellor. The Professor or Accessibility Services Counsellor or both should meet with the student as soon as is reasonably possible to review the student’s needs and accommodations, and attempt to resolve the student’s concerns.
- 2.2** In cases where a student requests an accommodation retroactively, the Accessibility Services Counsellor will review the circumstances to determine how the request may be considered by the College.
- 2.3** If the Professor or Accessibility Services Counsellor and the student are unable to come to an acceptable resolution within 15 business days from the date the Professor or Counsellor was first contacted, the student, the Professor or the Counsellor may refer the concern to the Director of Student Services for review.
- 2.4** The Director of Student Services, within 7 business days of the referral, reviews and decides on the matter, and communicates the College accommodation decision to the student in writing. The Academic Chair for the student’s program and the Accommodation Sub-Committee (ASC) are consulted prior to deciding the matter.
- 2.5** If the student is not satisfied with the College accommodation decision, the student may initiate an Academic Grade Appeal beginning with the Step 3 Appeal procedure (Section 7.6.3 of the Student Code of Conduct and Appeal Guidelines) since sections 2.1 to 2.4

above replace Step 1 and 2 of the Academic Grade Appeal process. The time frames of the Step 3 Appeal process would then be adhered to by all parties.

3. Multiple Proceedings

- 3.1** Where the Director of Student Services determines that the subject matter of the complainant is more appropriately dealt with under another College policy or procedure, the Director may, following consultation with the administrator of the other policy or procedure, exercise discretion to direct that matter be dealt with and decided under the other College policy.
- 3.2** Where the subject matter of a complaint is also the subject matter of another procedure, the Director works with the administrator of the other policy or procedure to determine under which policy or procedure the matter is to be addressed.

4. Protection from Reprisal

In order to protect individuals who make use of this policy or participate in procedures under this policy, the College prohibits reprisal or threat of reprisal against these individuals. Individuals who violate these provisions are subject to discipline or other corrective action.