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McMASTER UNIVERSITY POLICY FOR ACADEMIC ACCOMMODATION OF STUDENTS WITH DISABILITIES

INTRODUCTION

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Appendix 1
INTRODUCTION

1. McMaster University is committed to ensuring that each student is afforded an academic environment that is dedicated to the advancement of learning and is based on the principles of equitable access and individual dignity. The Directions I document, which sets forth the mission, vision and goals of McMaster University, emphasizes the importance of developing "policies that protect academic freedom, reduce barriers to university education, and foster the realization of potential" and of supporting "programs that ensure equal treatment, assist those with special needs,... and provide a welcome environment for all students" (p. 4).

2. To this end, this policy aims:

   (a) to foster a climate of understanding and mutual respect for the dignity and worth of all persons and to protect the privacy, confidentiality, comfort, autonomy and self-esteem of students with disabilities;

   (b) to ensure that students with disabilities are accommodated in accordance with the terms of the Ontario Human Rights Code, and to encourage all students to reach their full academic potential;

   (c) to preserve the academic integrity of the University by re-affirming that all students must satisfy the essential requirements of their respective courses and programs, while at the same time, recognizing that students with disabilities may require reasonable accommodations to enable them to do so;

   (d) to reinforce an application process that is based on equitable access to all courses and programs;

   (e) to clarify the roles and responsibilities of the students, instructors, Departments, Faculties, the School of Graduate Studies and administrative staff in the provision of accommodations.

3. This policy applies to academic issues involving full-time and part-time graduate and undergraduate students and University applicants. Students enrolled in University-sanctioned outside learning environments (co-op placement, internship, practicum) will first access the policies of the hiring or supervisory agencies (where such policies exist). In the absence of such policies and provided the University has so contracted with the outside learning environments, the students shall have access to the provisions of this policy. In all circumstances, the student shall have access to the policies of the relevant Human Rights Commission.

4. The approach of the University to the provision of academic accommodations involves a collaborative process that imposes certain responsibilities on all of those involved. This policy reflects the shared responsibilities of students with disabilities, instructors, Departments, Faculties, the School of Graduate Studies and
administrative staff in the provision of academic accommodations and the ongoing development of an accessible, open and supportive learning environment.

I  PRINCIPLES REGARDING ACCOMMODATION OF STUDENTS WITH DISABILITIES

5. Application of The Ontario Human Rights Code

The Ontario Human Rights Code, Revised Statutes of Ontario, 1990, Chapter H.19, states that it is public policy in Ontario to recognize the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination. McMaster University is committed to upholding these principles, as they apply to the provision of academic services. Part I, Section 1 of the Code states:

“Every person has a right to equal treatment with respect to services, goods, and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or handicap.” 1981,c53,s. 1; 1986,c.64,s.18(1).

6. Definition of Disability

The definition of the term “disability”, for the purposes of this policy, is as defined in the Ontario Human Rights Code. (See Appendix 1, attached)

7. Duty to Provide Evidence of Disability

It is recognized that there is a duty on the student to provide relevant and recent psychological or medical documentation that substantiates his/her disability. The student must also demonstrate that the disability impacts his/her ability to benefit equally from the University’s educational services.

8. Duty to Accommodate

It is recognized that there is an obligation on the University to make its services available in a manner that does not discriminate. This duty involves accommodating students with disabilities in accordance with the terms of The Ontario Human Rights Code. Accommodation involves removing barriers for students with disabilities in a way that respects their dignity and provides them with equality of opportunity. Once accommodated, (and hence provided with an equal opportunity), it is the student’s responsibility to meet the essential requirements of a course/program.

9. Limitations on the Duty to Accommodate

(a) Undue Hardship - The University is required to accommodate students with disabilities to the point of “undue hardship”. The Ontario Human Rights Code prescribes three (3) factors that are to be considered in assessing whether a requested accommodation would cause undue hardship. These are: (1) cost (2) availability of outside sources of funding, and (3) health and safety requirements. There may be other factors that are relevant, including, but not limited to, the degree that an accommodation negatively impacts other students, staff and faculty. Costs are considered in the context of the University as a whole, not on the basis of a Department, Faculty or program. The onus is on the University to prove “undue hardship”.
(b) **Essential Requirements** - The University is required to make efforts to reasonably accommodate a student with a disability when the disability precludes the student from fulfilling the essential requirements of a course/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/program. In these cases, the University is *not* required to accommodate and may refuse accommodations in order to preserve the academic integrity (meaning the essential requirements) of a course/program. A person cannot be presumed incapable of performing the essential requirements of a course/program unless an effort has been made to canvass all reasonable options for accommodation. In a university setting, the essential requirements of a course/program may include, but are not limited to, the knowledge and skills which must be acquired or demonstrated in order for a student to successfully meet the learning objectives of the course/program. The onus is on the University to prove the essential requirements of a course/program and that no reasonable accommodations would enable the student to meet those requirements.

10. **Accommodation Specific to Individual**

   In fulfilling its obligation to accommodate students with disabilities, the University recognizes that the needs of each student with a disability must be individually assessed to determine the appropriate accommodations. Not all students with the same disability will have the same needs.

11. **Confidentiality**

   The University is concerned with protecting the privacy and confidentiality of students with disabilities. At the same time, the University needs sufficient information to reasonably evaluate and respond to a student's requests for accommodation. For this reason, students are required to provide information concerning the nature of their disability, their needs and restrictions. At times, the accommodation process may require that the student disclose such information to staff and faculty, beyond the Centre for Student Development (CSD), on the basis that they “need-to-know” this information to perform their duties under the terms of this policy. All personal information disclosed to such staff or faculty shall be governed by the “McMaster University Guidelines on Access to Information and Protection of Privacy”.

12. **Flexibility**

   The provision of accommodations for students with disabilities will require that students, instructors and administrative staff all exercise creativity and flexibility in crafting solutions that both meet the needs of the students, and preserve the essential academic requirements of the University’s courses/programs.
II ROLES AND RESPONSIBILITIES

The provision of academic accommodations is based on a collaborative process that includes many individuals and groups within the University. Effective and open communication is the key to assessing and meeting the needs of all parties in this process.

13. Roles and Responsibilities of the Centre for Student Development

CSD is dedicated to the overall development of all students while they are at McMaster. More specifically with regard to students with disabilities, the Centre shall:

(a) provide support, personal and academic skills counselling to students when requested;

(b) assist and provide information to instructors, Chairs, Associate Deans and other administrative staff as needed;

(c) consult with Associate Deans on a regular basis;

(d) coordinate the requests for, and assist in the provision of, accommodations;

(e) receive and verify a student’s psychological or medical documentation. Such documentation to be provided by an approved and regulated health professional and to be recent and relevant in nature;

(f) ensure that all student information and all medical and psychological documentation is treated confidentially and maintained in individual student files;

(g) review all documentation and consult with each individual student in order to determine if they qualify for services;

(h) inform and consult with various individuals and offices, as required, and in accordance with the process provisions of this policy;

(i) where appropriate, develop and advocate for a proposed accommodation plan with each qualified student based on the student’s needs (as determined by CSD after consultation with the student), and any available course/program information and requirements;

(j) provide letters outlining the proposed accommodation plan, as required;

(k) educate, when appropriate, students, faculty and administrative staff as to their rights and responsibilities under this policy.
14. **Roles and Responsibilities of Students**

The University recognizes the importance of a student's experience and knowledge with respect to their disability and its impact on learning. This being the case it is imperative that the student with the disability participates fully in determining the appropriate accommodations.

The students needing an accommodation shall:

(a) prior to registering in a course/program, consider discussing with CSD, their instructor, and their Department, Faculty, or the School of Graduate Studies any concerns they may have about whether or not they would be able to meet the essential requirements of a course/program;

(b) contact CSD about any required accommodations in a timely manner as outlined in Section 25 of this policy;

(c) provide to CSD relevant and recent psychological or medical documentation (from an approved and regulated health professional) to substantiate their disability and any resultant restrictions;

(d) communicate their needs and resultant restrictions in sufficient detail in order for the University to assess their needs and determine the appropriate accommodations;

(e) work with CSD, instructors, and others (for example, academic advisors, Associate Deans, library staff etc.) to develop an appropriate accommodation plan;

(f) follow the procedures outlined in Part III of this policy when an accommodation is required, and comply with CSD’s instructions relating to the implementation of any specific accommodation;

(g) meet with instructors from time to time, as needed, to discuss arrangements for accommodations.

15. **Roles and Responsibilities of Instructors**

Instructors play a vital role in shaping a student's post-secondary educational experience. An important relationship for many students while at university is the one established between themselves and their instructors, and one which can be the key to success for many students. Although this relationship is very important to all students, it perhaps takes on more importance to students with disabilities whose academic success may rely on good communication with their instructors.
To help facilitate a student’s academic success and maintain the University’s academic standards for the benefit of all students, instructors shall:

(a) refer all students with disabilities (and/or suspected disabilities) and all requests for accommodation to CSD;

(b) identify, upon request, and with the assistance of their academic department, the essential requirements of a course;

(c) assist students and CSD in determining the manner and extent to which a student’s needs can and should be accommodated;

(d) participate, as appropriate, in structuring a suitable accommodation plan that meets the needs of the student and satisfies the essential requirements of the respective course/program;

(e) refer any proposed accommodation plan that has substantial financial implications to the Provost in accordance with Section 28 (a) of this policy;

(f) notify the student and CSD if a proposed accommodation plan is not acceptable on the basis that the student, even if reasonably accommodated, as proposed, will not be able to fulfill the essential requirements of the course/program; continue to work with the student and CSD to explore alternative forms of accommodation which might be acceptable; if unsuccessful, refer the case to the Department Chair (or equivalent) as outlined in Section 28(b) of this policy.

(g) implement the terms of any agreed accommodation plan relying, as required, on the support and resources available from the Department Chair, CSD, the Faculties, the School of Graduate Studies, the Centre for Leadership in Learning and the Student Financial Aid and Scholarships Office.

16. Roles and Responsibilities of Department Chairs

The accommodation of students with disabilities will place some economic demands on the University. In this regard, Department Chairs, in conjunction with Associate Deans and Deans, often act as financial resource managers. In addition, Department Chairs may act as educators and assist instructors to informally resolve accommodation issues. When required by the policy, a Department Chair may review an instructor’s decision not to provide accommodation. The Department Chair shall:

(a) provide an opportunity for all faculty members to familiarize themselves with this policy;

(b) ensure that instructors receive the departmental resources and support necessary to implement any accepted accommodation plan;
17. **Roles and Responsibilities of Associate Deans**

The Associate Dean or equivalent shall:

(a) work in conjunction with the Department Chairs to ensure that all instructors are made aware of this policy and that the practices associated with the delivery of accommodation services are consistent with this policy;

(b) consult with students and CSD, upon request, when students have first identified their need for accommodation. This may occur prior to registration, following registration, or when a student first approaches CSD with an accommodation request. Discuss with the student and CSD any Department or Faculty concerns about the accommodations and/or how the accommodations relate to the essential requirements of the course/program;

(c) refer any accommodation plan that has substantial financial implications to the Provost in accordance with Section 28(a) of this policy;

(d) review, upon a student’s request and in accordance with Section 28(d) and (e) of this policy, a Department Chair’s decision not to provide an accommodation.

18. **Roles and Responsibilities of Deans**

The Deans shall:

(a) ensure that Departments receive the University resources necessary to implement any accommodation plan.

19. **Roles and Responsibilities of the Registrar’s Office**

The Registrar’s Office shall:

(a) forward any accommodation requests and documentation provided by a student, before or at the time of registration, to CSD;
b) coordinate, with support from CSD, all aspects of accommodations required for
individual students with disabilities scheduled to write Registrar administered
examinations. These include, but are not restricted to, such accommodations as:
extra time on exams, separate locations for writing, enlarged exams, provision of
a scribe, etc. Ensure that the security measures for such examinations are
equivalent to those provided for all other Registrar administered exams;

c) provide assistance, in consultation with CSD, in implementing other
accommodations where the requirements fall within the jurisdiction of the
Registrar's Office, for example the provision of special timetabling or classroom
use;

d) make special arrangements for convocation ceremonies if provided with advance
notice from the student and CSD, Department Chair, or Associate Dean.

20. **Roles and Responsibilities of the Sexual Harassment and Anti-Discrimination Office**

The Sexual Harassment and Anti-Discrimination Office ("SHADO") is responsible for the
application of the Anti-Discrimination policy. This policy protects all
University members from discrimination on the basis of disability. The Office shall:

(a) act as a resource for students, faculty and administrative staff as to their rights
and responsibilities under the terms of both this policy and the Anti-
Discrimination policy;

(b) assist, whenever appropriate, students, faculty and administrative staff in the
informal resolution of accommodation issues.

21. **Roles and Responsibilities of Library Services**

The Library shall:

(a) make every reasonable effort to provide students with disabilities equal access to
information.

22. **Roles and Responsibilities of The Centre for Leadership in Learning**

The Centre for Leadership in Learning shall:

(a) provide assistance and advice to faculty members related to instructional design,
delivery and evaluation methods which may facilitate the academic success of
students with disabilities;
(b) identify and circulate, at times, teaching and learning insights related to the provision of academic accommodation for students with disabilities.

III. PROCEDURES FOR UNIVERSITY APPLICANTS AND TIMING OF ACCOMMODATION REQUESTS

23. University Applicants

McMaster encourages applications from students with disabilities. Students with disabilities have successfully completed a wide variety of programs at McMaster and have made significant academic contributions to this University.

(a) McMaster will, upon request, provide admission information to applicants in alternate forms (Braille, audio tapes etc.) within a reasonable timeframe.

(b) In accordance with general admission procedures, McMaster will accept academically qualified candidates for admission to undergraduate and graduate programs by examining each applicant’s academic record and the impact of any extenuating circumstances.

(c) Applicants are strongly encouraged to declare their disability in the application process, and to seek assistance in selecting their courses/programs from CSD and their prospective Department or Faculty (through the Associate Dean’s Office or the School of Graduate Studies).

As with all applicants, those with disabilities are encouraged to select programs that are appropriate for their skills, abilities, and career goals.

(d) In the event that any questions arise during the application process pertaining to the applicant’s ability, even if reasonably accommodated, to fulfill the essential requirements of a program, the issue will be discussed with the Associate Dean of the applicant’s prospective Faculty or Graduate Studies and CSD. The Associate Dean shall review the essential requirements of the program and work with the applicant and CSD to determine what, if any, accommodations might be reasonable to enable the applicant to meet the requirements. In the event that the Associate Dean determines that accommodation is not possible, the applicant shall be so informed and other options shall be discussed. Failure of the Associate Dean to raise any objections, should not be interpreted as a guarantee of any sort, that the applicant will, in fact, be able to meet the essential requirements of the program or any specific course at any time in the future.

(e) In the event that any questions arise during the application process pertaining to the University’s ability to reasonably accommodate the applicant without undue financial hardship, the issue will be discussed with the Provost. In the event that the Provost determines that reasonable accommodation is not possible the applicant shall be so informed and other options shall be discussed.
(f) All personal information disclosed in the application process may be used by the appropriate staff and faculty members, (including, but not limited to, CSD, the Associate Dean of the student’s Faculty or of Graduate Studies and the Provost), to make decisions relating to admission.

(g) CSD and SHADO are available throughout the admission process to assist, support and counsel students with disabilities, as well as faculty and administrative staff.

24. Requests for Accommodation

Students who need academic accommodations should contact CSD. Students may also want to contact their Associate Dean’s Office for assistance. All requests for accommodations made directly to an instructor should be referred to CSD.

25. Timing of Accommodation Requests

To ensure that CSD has sufficient time to properly review requests and to coordinate any necessary arrangements, students are responsible for making their requests for accommodations and submitting all required medical documentation as soon as possible each term, or in the case of new and transfer students, before the commencement of the term. Some accommodations take longer to arrange than others (e.g. sign language interpreters and transcriptions), and students with these types of requests should be particularly cognizant of the timing of their requests. Failure to make a request or supply the required medical documentation in a timely manner may delay or prevent the implementation of the requested accommodation.

The following are some guidelines to be used by students in filing their material:

(a) New students and transfer students are encouraged to contact CSD and provide the required information as soon as possible after they receive their offers of admission, or by August 1st of the academic year, whichever comes first.

(b) Returning students are encouraged to contact CSD and provide the required information as soon as possible following completion of registration.

(c) In any event, the required information must be provided each term before the last day for the withdrawal from courses without academic penalty (as published each year in the University Undergraduate Calendar).

(d) Students whose circumstances change or who develop difficulties after the aforementioned dates should contact CSD and their Associate Dean’s Office or the School of Graduate Studies immediately.

(e) All students are expected to provide the required information each and every term. Accommodations for new courses/programs are not made automatically.

(f) All special arrangements for in-class tests should be confirmed with the instructor and/or CSD at least two weeks prior to the test.
IV  PROCEDURE FOR ACCOMMODATION PLANS, REVIEWS AND APPEALS FOR UNDERGRADUATE STUDENTS

Sections 26 - 30, inclusive apply only to undergraduate students. For graduate students see Sections 31 - 34 inclusive below.

26.  Assessment of Requests and Preparation of an Accommodation Plan

(a) CSD shall review and verify all documentation provided by the student and will also consider any material that the student has pertaining to the course/program (i.e. the course outline).

(b) If it is the student’s first request for an accommodation in a particular Faculty, CSD shall contact the Associate Dean’s Office to discuss the essential requirements of a program and possible accommodations, in accordance with Section 23 (d) above.

(c) Subsequent requests for accommodation for a specific course or change of program shall similarly be discussed on a “need to know” basis with the Associate Dean’s Office and/or the instructor and/or SHADO.

(d) If CSD, following such discussions, determines that accommodations are required, CSD will work with the student to develop a proposed accommodation plan based on the student’s needs (as determined by CSD after consultation with the student and review of the documentation) and any available course/program information and requirements.

(e) CSD shall prepare a letter to the instructor outlining the proposed accommodation plan. In the event that CSD and the student cannot agree on a proposed plan, CSD shall notify the instructor of the student’s request and, if appropriate, schedule a meeting with CSD, the student and the instructor to discuss the request.

27.  Delivery and Acceptance of Proposed Accommodation Plan

The student shall deliver the letter containing the proposed accommodation plan to the instructor. At this time, the student is encouraged to discuss the plan directly with the instructor.

If the instructor agrees with the proposed accommodation plan, or a revised plan, the instructor shall sign the letter, with any agreed revisions and have the student return the plan to CSD within seven days of its receipt.

28.  Review of Accommodation Plan if Not Accepted

Throughout the review process the parties are encouraged to consult with CSD and SHADO in their efforts to informally resolve any accommodation issues.
(a) If at any time during the review process, the instructor, the Chair or the Associate Dean decide that there are substantial financial implications to granting the requested accommodation, the plan should be forwarded directly to the Provost. The Provost shall review the plan and if he/she determines that the plan will not result in undue financial hardship to the University, the matter shall be returned to the appropriate Faculty. On the other hand, if the Provost determines that the plan cannot be implemented without undue financial hardship to the University, he/she shall notify CSD in writing, within ten days of being contacted, that the accommodation shall not be granted. The student may appeal the decision of the Provost in accordance with Section 29(b) of this policy.

(b) If the instructor does not agree with the proposed accommodation plan, (based on the principles outlined in Section I of this policy and excluding the financial implications of the plan as contained in paragraph (a) above) the instructor shall discuss the matter with the Chair of the Department within seven days of the receipt of the accommodation request.

(c) If the Chair, after such consultations, agrees with the terms of the proposed accommodation plan, or a revised plan, the accommodation shall be granted (subject to Section 29(a) below) and the Chair shall so advise CSD and the student. However, if the Chair agrees with the instructor that the accommodation is not appropriate, the Chair shall forward all relevant documentation, within ten days of being contacted by the instructor, to the Associate Dean for his/her review.

(d) The Associate Dean shall, in turn, review the plan and related correspondence and consult with the student and other appropriate offices in an effort to resolve the matter. If the Associate Dean concludes that the student should be accommodated in accordance with the proposed accommodation plan, or a revised plan, the accommodation shall be granted (subject to Section 29(a) below) and the Associate Dean shall notify CSD, the instructor and the Chair of the Department.

(e) If the Associate Dean concludes that the accommodation is not appropriate, the Associate Dean shall notify CSD in writing within ten days of being contacted by the Chair, that the accommodation shall not be granted. A copy of this letter shall be sent to the student, the instructor, and the Chair of the student’s Faculty.

29. **Appeal by Instructor and Student**

(a) Appeal by Instructor - If the Chair or the Associate Dean, in accordance with Sections 28(c) or 28(d) above, agree to an accommodation plan, the instructor may appeal the decision, within 48 hours of receipt thereof, to the Dean of the Faculty.

(b) Appeal by Student - The student may appeal the decision of the Associate Dean, the Dean, or the Provost within three weeks of receipt thereof, to either:

the Senate Board for Student Appeals as outlined in the Student Appeal Procedures or,
30. **Accommodation Pending Review and Appeal**

(a) The University recognizes that decisions involving accommodations must be made expeditiously to assist students in their ongoing courses. Once an accommodation plan is approved, it shall be implemented promptly. In the event that a request for accommodation is denied and an appeal is pending, the instructor, the Associate Dean and CSD shall review the accommodation plan to determine what portion, if any, of the plan it is reasonable to implement immediately. Any such accommodations shall remain in place until there is a final disposition of all appeals.

(b) Where a student has been accommodated pending the final disposition of all appeals, and such disposition is that the accommodation should not be granted, an alternative means of fairly determining the student’s course mark shall be determined by the instructor and the Associate Dean and communicated to the student. In some circumstances, the Associate Dean may, in his/her discretion, agree to withdraw a student retroactively from a course.

V **PROCEDURE FOR ACCOMMODATION PLANS, REVIEWS AND APPEALS FOR GRADUATE STUDENTS**

Sections 31 - 34 inclusive apply only to graduate students. For undergraduate students see Sections 26 - 30 inclusive above.

31. **Assessment of Requests and Preparation of an Accommodation Plan**

(a) CSD shall review and verify all documentation provided by the student and will also consider any material that the student has pertaining to the course/program (i.e. the course outline)

(b) If it is the student’s first request for an accommodation in the School of Graduate Studies, CSD shall contact the Associate Dean’s Office in the School of Graduate Studies and the Department Chair to discuss the essential requirements of a program and possible accommodations, in accordance with Section 23(d) above.

(c) Subsequent requests for accommodation for a course, or involving other program requirements, shall similarly be discussed on a “need-to-know” basis with the Associate Dean’s Office and/or the Department Chair and/or the instructor and/or the graduate supervisor and/or SHADO. Generally, matters dealing with program requirements shall be discussed with the Chair and the graduate supervisor, while matters dealing with a course shall be discussed with the Chair and the instructor.
(d) If CSD, following such discussions, determines that accommodations are required, CSD will work with the student to develop a proposed accommodation plan based on the student’s needs (as determined by CSD after consultation with the student and review of the documentation) and any available course/program information and requirements. An accommodation plan shall encompass all academic work to be undertaken during the academic session for which the accommodation is sought.

(e) CSD shall prepare a letter outlining the proposed accommodation plan to:

   (i) in the case of a course, the Department Chair and the instructor and,
   (ii) in the case of program requirements, other than a course, the Department Chair and the supervisor.

In the event that CSD and the student cannot agree on a proposed plan, CSD shall notify the appropriate parties, as outlined above, of the request and may schedule a meeting to discuss the request.

32. **Delivery, Review and Acceptance of Proposed Accommodation Plan**

Throughout the following acceptance and review processes the parties are encouraged to consult with CSD and SHADO in their efforts to informally resolve any accommodation issues.

(a) If at any time during the review/acceptance process, the instructor, the supervisor, the Department Chair or the Associate Dean decide that there are substantial financial implications to granting the requested accommodation, the plan should be forwarded directly to the Provost. The Provost shall review the plan and if he/she determines that the plan will not result in undue financial hardship to the University, the matter shall be returned to the appropriate individual. On the other hand, if the Provost determines that the plan cannot be implemented without undue financial hardship to the University he/she shall notify CSD in writing, within ten days of being contacted, that the accommodation shall not be granted. The student may appeal the decision of the Provost in accordance with Section 33(b) of this policy.

(b) The student shall deliver the letter containing the proposed accommodation plan to:

   (a) in the case of a course, the Department Chair and the instructor and,
   (b) in the case of program requirements, other than a course, the Department Chair and the supervisor.

At this time the student is encouraged to discuss the plan directly with the recipients of the letters.

(c) If the recipients of the letters in (b) agree with the proposed accommodation plan they shall sign the letter, with any agreed revisions, and have the student return the plan to CSD within seven days of its receipt.
(d) If one or more of the recipients of the letters in (b) do not agree with the proposed accommodation plan (based on the principles outlined in Section 1 of this policy and excluding the financial implications of the plan as contained in paragraph (a) above) they shall note their objection and have the student return the plan to CSD within seven days of its receipt.

(e) Upon receipt of the plan (whether accepted or not), CSD shall then forward it to the Associate Dean. The Associate Dean shall review the plan and related correspondence and consult with the student and the recipients of the letters in (b) in an effort to resolve any remaining concerns. If the Associate Dean concludes that:

(i) the student should be accommodated in accordance with the proposed accommodation plan, or a revised plan, the accommodation shall be granted (subject to Section 33(a) below) and the Associate Dean shall notify CSD, the instructor or supervisor, the Chair of the Department and the student.

(ii) the accommodation is not appropriate, the Associate Dean shall notify CSD within ten days of receiving the proposed plan that the accommodation shall not be granted. A copy of this letter shall be sent to the instructor or supervisor, the Chair, and the student.

33. **Appeal By Instructor/Supervisor, Chair or Student**

(a) Appeal by instructor/supervisor and/or Chair
- The instructor/supervisor and/or the Chair may appeal the decision of the Associate Dean, within 48 hours of receipt thereof, to the Dean of Graduate Studies. The Dean shall determine the appeal(s) within 10 days of receiving the appeal.

(b) Appeal by student
- Following any appeal to the Dean of Graduate Studies pursuant to (a) above, the student may appeal the decision of the Associate Dean, the Dean, or the Provost, within three weeks of receipt thereof to either:

  The Senate Board for Student Appeals as outlined in the Student Appeal Procedures or, a Tribunal as provided in the Anti-Discrimination Policy.

34. **Accommodation Pending Appeal**

(a) The University recognizes that decisions involving accommodations must be made expeditiously to assist students in their on-going studies. Once an accommodation plan is approved by the Associate Dean or Dean it shall be implemented promptly. In the event that the Associate Dean denies a request for accommodation and an appeal by the student is pending, the instructor/graduate supervisor, the Chair, the Associate Dean and CSD shall review the accommodation plan to determine what portion, if any, of the plan it is
reasonable to implement immediately. Any such accommodations shall remain in place until there is a final disposition of all appeals.

(b) Where a student has been accommodated pending the final disposition of all appeals, and such disposition is that the accommodation should not be granted, an alternative means of fairly determining the student’s course mark or the timing of the submission of the student’s work shall be determined by the instructor/supervisor, the Chair and the Associate Dean and communicated to the student. In some circumstances, the Associate Dean may, in his/her discretion agree to withdraw a student retroactively from a course.
DEFINITION OF DISABILITY AS DEFINED
BY THE HUMAN RIGHTS CODE

** The Ontario Human Rights Code’s, “Guidelines for Assessing Accommodation Requirements for Persons with Disabilities” (Jan.92) recognizes that although the term “handicap” is used in the Code, many people with disabilities prefer the term “disabilities”. Therefore, the terms “disability” and “persons with disabilities” will be used throughout this policy.

Human Rights Code Part II, Section 10 (1), RSO, 1990, Chapter H.19

“because of handicap” means for the reason that the person has or has had, or is believed to have or have had,

(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect, or illness and, without limiting the generality of the foregoing, including diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide or on a wheelchair or other remedial appliance or device,

(b) a condition of mental retardation or impairment,

(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

(d) a mental disorder, or

(e) an injury or disability for which benefits were claimed or received under the Workers’ Compensation Act (a cause d’handicap).