

## **1.0 Purpose**

This policy identifies SKG's principles and commitments in the provision of academic accommodations for students with disabilities.

It is recognized that the provision of academic accommodations for students with disabilities is a shared accountability and responsibility between SKG and the student.

SKG's policy concerning accommodations for employees with disabilities is set out in a separate policy, HR 03 Accommodations in Employment.

## **2.0 Definitions**

"Academic accommodation" or "accommodation" means modification to academic policies, procedures or the educational environment that would result in equal opportunity to attain the same level of performance, or to enjoy the same level of benefits and privileges enjoyed by others, and meet the student's disability-related needs. Examples of academic accommodations include but are not limited to:

- Advanced provision of reading lists and other course materials to allow for alternate format transcription;
- Alternate scheduling for the completion of course or project work, or examinations;
- Extensions to program completion time limits;
- Making policies and requirements more flexible;
- Use of assistive technology in the classroom/laboratory/field (for example, FM systems worn by instructors);
- Use of oral and visual language interpreters and/or note takers in the classroom;
- Use of audio and/or visual recording or webcast of lectures;
- Use of adaptive technology and alternate format text for written materials;
- Support for examinations including extra time, a private or semi-private room, use of a computer, adaptive software or word processor, or access to a reader or scribe as needed;
- Ergonomic seating or height-adjustable accessible tables; or
- Adjustment to academic loads.

“Academic Advisory Circle” or “Circle” means the governance body appointed by SKG’s board to provide advice concerning SKG’s academic mission.

“Accommodation Officer” means the Director of Academics, or an SKG employee designated by the Director of Academics, who is responsible for administration of services and supports for students with disabilities, regardless of the title of that position.

“*Bona fide* requirements” for a program means legitimate academic standards or outcomes of an academic program or credential.

“Director of Academics” means the President of SKG, or an individual designated by the President, who is responsible to administer SKG’s academic mission, regardless of the title of that position.

“Disability” or “disabilities” has the same meaning as under the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act in force and as amended from time to time. Disabilities may include those which are permanent, persistent, or prolonged, or those that fall under the definition of temporary disabilities (see below). Disabilities may include but are not limited to:

- Learning disabilities or specific learning disorder
- Attention-deficit/hyperactivity disorder (ADHD)
- Deaf, deafened, or hard of hearing
- Vision loss
- Autism Spectrum Disorder
- Chronic health disabilities
- Dexterity or mobility disabilities
- Acquired brain injuries
- Mental health disabilities

“Medical information” means the description of a diagnostic procedure, treatment, or underlying cause of a health condition, including a diagnosis.

“Diagnosis” means the identification of a specific disease or disorder as the cause of a set of symptoms.

“Essential requirement” or “essential academic requirement” means core tasks and activities, and knowledge and skills which must be acquired or demonstrated, in order for a student to successfully meet the learning outcomes of the course or program.

“Instructor” means an SKG employee, whether faculty or contract teaching staff, responsible for instruction of a student with disabilities.

“Interim academic accommodations” means appropriate academic accommodations offered (typically for one semester) while a student is in the process of obtaining appropriate supporting documentation.

“Learning disabilities or specific learning disorder” has the same meaning as found in either: (a) the Diagnostic and Statistical Manual of Mental Disorders, as published by the American Psychological Association; or (b) the definition of the Learning Disabilities Association of Ontario, at the discretion of the diagnosing regulated health professional.

“Regulated health professional” means an individual who is a member of the regulatory college recognized by the Ontario government for their profession, holds a certificate of registration from that college, and is acting within their approved scope of practice for the purposes of this policy.

“Temporary disability” means a disability that lasts less than 12 months but does not include short-term common ailments or illnesses such as a cold or the flu.

“Undue hardship” is addressed in the section of this policy concerning limits to accommodation.

### **3.0 SKG’s commitments**

SKG shall:

- Fulfill its responsibilities under the Ontario Human Rights Code, the Ontarians with Disabilities Act, and the Accessibility for Ontarians with Disabilities Act, including its duty to accommodate students with disabilities.
- Promote the full participation of all students in their academic program, and in campus life.
- Take positive steps to provide facilities, services, supports, and academic programs in ways that aim to achieve accessibility and inclusion from the start so that students with disabilities benefit equally.
- Provide reasonable accommodations for students with disabilities, short of undue hardship.
- Foster and maintain a climate of understanding and mutual respect for the dignity and worth of all persons.
- Protect the privacy, confidentiality, self-esteem, and autonomy of all students including those with disabilities.
- Preserve the academic integrity of SKG by re-affirming that all students must satisfy the bona fide essential requirements of their courses and programs, while also recognizing that students with disabilities may require academic accommodations to enable them to do so.
- Encourage instructors and academic administrators to design curriculum, delivery methods, and evaluation methods using principles of inclusive design.

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission's policy and guidelines on disability and the duty to accommodate. (Please refer to the section of this policy headed "Limits on accommodation" for further details.)

Nothing in this policy is intended to limit any rights contained in the Ontario Human Rights Code or to restrict or inhibit a student's right to file a complaint with the Human Rights Tribunal of Ontario.

## **4.0 Principles**

The principles of accommodation involve the following three factors:

### *Respect for dignity*

Accommodations should be considered along a continuum from those that most respect a student's right to privacy, autonomy, and dignity, to those that least respects these rights. SKG will implement accommodations in a manner that respects the dignity of students with disabilities at the highest level in the continuum that can be achieved without undue hardship. Respect for dignity also includes taking into account how an accommodation is provided and the student's own participation in the process. SKG has a duty to maintain a positive environment for all persons it serves. SKG will address any behaviour that may be injurious to the dignity of students with disabilities.

### *Individualized accommodation*

There is no set formula for accommodation. Each student's needs are unique and must be considered afresh when an accommodation request is made. At all times, the emphasis must be on the individual student and not on the category of disability. Differential treatment may sometimes be required to provide students with an equal opportunity to achieve full benefit from the educational environment.

### *Inclusion and full participation*

SKG will make efforts to design educational services to accommodate students with disabilities in a way that promotes their inclusion and full participation in all of SKG's academic activities, student supports and services, and social activities.

## **5.0 Policies concerning accommodation**

### **5.1 Accommodations Officer**

The Director of Academics or an employee of SKG designated by the Director of Academics shall be the Accommodations Officer for the purpose of this policy and its associated procedures.

The Director of Academics shall ensure that the Accommodations Officer has the knowledge and information required to meet the requirements of SKG's policy and procedures concerning students with disabilities.

## **5.2 Documentation required to support a request for accommodations**

SKG requires sufficient information to reasonably evaluate and respond to a student's request for accommodations. For this reason, students requesting academic accommodations are required to provide information pertaining to their disability and its impact.

A student seeking academic accommodations shall provide satisfactory documentation to SKG from an appropriate regulated health professional that the student has a disability and that describes the functional limitations experienced by the student.

The documentation must meet the requirements set out in the procedure associated with this policy.

Students shall not be required to disclose diagnostic or other medical information to instructors in order to receive an academic accommodation.

A student who is undergoing an assessment by a regulated health practitioner or who needs a reasonable opportunity to acquire documentation in support of a request for academic accommodations may be considered for interim academic accommodations.

## **5.3 Accommodation plans**

SKG's Accommodations Officer shall ensure that an individualized accommodation plan is developed and implemented for every student who:

- Has a permanent, persistent, or prolonged disability, or a temporary disability as defined in this policy,
- Seeks accommodations through the processes addressed in SKG's procedure associated with this policy,
- Provides relevant information from a qualified regulated health professional that supports the need for accommodations and meets the requirements of the procedure associated with this policy, and
- Participates in the development of the accommodation plan.

The procedure related to this policy shall set out specific requirements concerning accommodation plans.

## **5.4 Accommodations and essential requirements**

In a university setting, essential requirements may include, but are not limited to, the core tasks and activities, and knowledge and skills which must be acquired or demonstrated, in order for a student to successfully meet the learning outcomes of the course or program.

SKG is legally required to make efforts to appropriately accommodate a student with a disability when the disability precludes the student from fulfilling the essential requirements of a course or program.

The Ontario Human Rights Commission indicates that "An appropriate accommodation at the post-secondary level would enable a student to successfully meet the essential requirements of

the program, with no alteration in *bona fide* standards or outcomes, although the way the student demonstrates mastery, knowledge and skills may be altered.”<sup>1</sup>

SKG is not required to provide an accommodation that would fundamentally alter the *bona fide* essential requirements of a program or credential. SKG’s duty to accommodate would come to an end where a student is not capable of meeting *bona fide* requirements, even with accommodation.

A student may not be presumed incapable of meeting the essential requirements unless SKG has made an effort to explore all appropriate options for academic accommodations.

### **5.5 Limits on accommodation**

SKG is required to accommodate students with disabilities to the point of undue hardship.

The Ontario Human Rights Code identifies three factors that are to be considered in assessing whether a requested accommodation would cause undue hardship:

- Cost
- Availability of outside sources of funding, and
- Health and safety requirements.

No other considerations can be properly considered.

The nature of the evidence required to prove undue hardship must be objective, real, direct, and, in the case of cost, quantifiable.

SKG shall make a decision on undue hardship only on the basis of considerations allowed by legislation and the policies of the Ontario Human Rights Commission, and on the basis of objective evidence.

Where an accommodation is assessed to create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of SKG’s process to resolve concerns (as set out in this policy) and of their recourse under the Ontario Human Rights Code.

Where a decision has been made that an accommodation would cause undue hardship, SKG shall implement the next best accommodation short of undue hardship.

### **6.0 Resolution of concerns about accommodations**

The Director of Academics shall establish a process by which a student or instructor may appeal a decision taken by SKG concerning an accommodation plan.

The board of SKG shall delegate responsibility to SKG’s Academic Advisory Circle (Circle) for final resolution of appeals of students and instructors concerning an accommodation plan.

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<sup>1</sup> Ontario Human Rights Commission. *Policy on accessible education for students with disabilities*, 2018, page 63.

The Circle may appoint an ad hoc or standing committee of at least three of its members to consider appeals concerning an accommodation plan.

Decisions taken by the Circle or its committee are final.

## **7.0 Procedures for this policy**

The Director of Academics shall ensure that procedures are established and implemented to put into effect the commitments and directions of this policy.

SKG's procedure concerning accommodations for students with disabilities shall, at a minimum:

- Set out the roles and responsibilities of students, instructors, the Accommodations Officer, and SKG;
- Set out requirements for documentation to support a request for accommodations;
- Set out requirements for individual accommodation plans; and
- Establish requirements and procedures for resolution of concerns about academic accommodations, consistent with the directions of this policy concerning the role of the Academic Advisory Committee in resolution of appeals.

The Director of Academics shall approve the procedures.

The Director of Academics shall present procedures (and revisions to procedures) to the board for information.

## **8.0 Related Policies, Procedures & Documents**

Procedure for ACAD 09: Accommodations for Students with Disabilities

OP 01 Accessibility

SKG's policies and procedures may be found on its website.

## **9.0 Responsible Officer**

Director of Academics

## **10.0 Version history**

Board's approval pending recommendation of Academic Advisory Circle: December 2023

Recommended by Academic Advisory Circle:        ADD DATE when completed

Approved by Board:                    ADD DATE when approved

Original Approval Date:            ADD DATE of first approval

Current Approval Date:            ADD DATE when approved

Effective Date:                    ADD DATE when approved

SKG gratefully acknowledges that parts of this policy are patterned on those of OCAD University and the University of Guelph and guidelines of the Ontario Human Rights Commission (*A policy primer: Guide to developing human rights policies and procedures* and *Accessible education for students with disabilities* policy)