

Academic Accommodation for Students with Disabilities – Policy: A03

Effective: September 1, 2023

This document is available in alternate formats, upon request. Please contact ads@assiniboine.net

I. Policy Statement

Assiniboine is committed to fostering a welcoming culture that facilitates the inclusion and integration of students with disabilities within the college community.

This policy reflects our commitment to identifying, removing and preventing barriers to the full academic participation of students with permanent or temporary disabilities, and affirms our responsibilities and commitments under *The Human Rights Code (Manitoba)* and *The Accessibility for Manitobans Act*.

The college is committed to ensuring that students with disabilities have an equitable opportunity to fulfill the essential academic requirements and standards in programs of study. Students have the right to be treated with dignity and respect, to have their privacy and confidentiality protected, and to receive appropriate academic accommodations based on documented functional limitations associated. Students are not required to provide a diagnosis.

Students are responsible to make the college aware of their disability-related needs and cooperate with the college in order to develop and implement academic accommodations that uphold essential academic requirements and standards.

II. Purpose

The purpose of this policy is to inform and guide the provision of reasonable academic accommodations for students with disabilities. Following relevant legislation, the college will support students with disabilities to meet the essential academic requirements and standards of courses and programs.

III. Scope

This policy applies to students enrolled in academic courses or activities for credit at the college, including those studying on a full or part-time basis, or through partnership agreements, who:

1. Have a disability-related accommodation need; and
2. Have or are seeking supporting documentation from a regulated health care professional(s) verifying functional limitations due to a disability.

This policy applies to all academic activities at the college, inclusive of classes, labs, shops, applied research, examinations, academic learning and testing facilities, fieldwork, and work integrated learning placements. Where a student is both an employee and a student of the college, this policy only applies to those

Where a student is both an employee and a student of the college, this policy only applies to those activities that are associated with their academic pursuits. For information concerning accommodations relating to employment, please see the college's employee policy.

For detailed information on guidance and procedures, please see related *Student Guide to Academic Accommodation* and *Faculty Handbook*.

IV. Definitions:

- i. **Academic accommodation:** Educational practices, systems and support services designed to prevent and remove barriers and accommodate functional challenges due to a disability. Academic accommodations are individually determined and may include teaching and learning accommodations, assessment and evaluation accommodations, environmental accommodations, and related services and supports. All requests for academic accommodation are assessed on a case-by-case basis. Academic accommodations provide equal access to learning and services. They do not guarantee a level of achievement. Academic accommodations adhere to essential academic requirements and standards and the college's academic integrity policy.
- ii. **Bona fide academic requirements (BFARs):** The essential duties or requirements that one must be able to fulfill in order to access an educational service (ARCH Disability Law Centre, 2018). At the college, BFARs are developed in alignment with occupational BFORs (bona fide occupational requirements). For advisors, accommodation planners, and decision-makers, BFARs describe the exceptions to the requirement to provide academic accommodations to students on otherwise protected characteristics in certain situations and are program-dependent. BFARs "enhance transparency, consistency, fairness and so that students know what is expected of them" (OHRC, 2018, p. 66).
- iii. **Disability:** A condition that limits a person's daily activities. Persons with disabilities may have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their participation on an equal basis with others. A disability, aging, an injury, and other life events may temporarily or permanently affect mobility, dexterity (use of hands), vision, hearing, communication, understanding or mental health. (*The Accessibility for Manitobans Act*)
- iv. **Duty to Accommodate:** The requirement established by *The Human Rights Code (Manitoba)* to remove barriers by providing reasonable accommodations up to the point of undue hardship.
- v. **Documentation:** Written information from a regulated health care professional verifying that the student has disability-related functional limitations. Disclosure of a specific disability or diagnosis is not required. Documentation requirements for disabilities are available in the *Student Guide to Academic Accommodations*.
- vi. **Essential academic requirements and standards:** The knowledge and/or skills that must be acquired and/or demonstrated for a student to successfully meet the essential learning outcomes or program level requirements of a particular course or program.
- vii. **Functional limitation(s):** Restrictions in an individual's functioning that hinder the ability to perform tasks or activities used in daily life.

- viii. **Reasonable accommodations:** Evidence based academic accommodations which do not impose on the College in the form of significant changes to the fundamental nature of the learning outcomes and / or academic standards of a program, termed essential academic requirements and standards.
- ix. **Regulated health care professional:** A professional who is licensed to provide a diagnosis or comprehensively assess and treat the disability or health condition. See Assiniboine's documentation standards for more information.
- x. **Self-identification:** This occurs when a student identifies their disability or disability-related need to college staff.
- xi. **Student:** For the purposes of interpreting this policy, "student" refers to any person who has applied, been admitted, or is currently in a course/program with Assiniboine Community College.
- xii. **Undue hardship:** This is the threshold up to which accommodations must be provided by an institution for students with disabilities under *The Human Rights Code (Manitoba)*. This is determined on a case-by-case basis. The following elements may be considered in determining if providing an accommodation would cause undue hardship: cost, health and safety requirements, or significant adverse impacts on the learning opportunities of other students. Inconvenience, potential negative reaction from faculty, staff or other students, or third-party preferences are examples of elements not considered in the test of undue hardship.
- xiii. **Universal Design for Learning (UDL):** UDL are processes that involve consideration for the potential needs of all learners when designing and delivering instruction as well as a means for identifying and eliminating unnecessary barriers to teaching and learning while maintaining academic rigour. This process is all-encompassing of the full range of human diversity with respect to ability, language, culture, gender, age and other forms of human difference.

V. Responsibilities:

i. Students:

Students are responsible for:

- Meeting admission requirements.
- Submitting requests for academic accommodation. ACC recommends that students submit requests for academic accommodation prior to program start or in advance of each term. Academic accommodations may be identified at any point throughout the term, and retroactive accommodations will be given meaningful consideration and cannot be dismissed outright.
- Providing the appropriate medical documentation to the college through Student Success Advisors or through the Student Accessibility Coordinator. The college needs sufficient information to reasonably evaluate and respond to student requests for accommodation. For this reason, students are required to provide documentation noting their functional limitations. Guidance on appropriate medical documentation is provided in procedure documents.
- Actively participating in accommodations planning with college staff, including but not limited to meeting with a Student Success Advisor, the Student Accessibility Coordinator and/or academic

managers of their program and providing additional/clarifying medical documentation when reasonably asked.

- Meeting the learning outcomes and essential academic requirements of their program.
- Following through on processes and requirements established in the accommodation plan including meeting deadlines that support college departments' ability to provide timely accommodations.
- Advising the Student Success Advisor or the Student Accessibility Coordinator immediately when accommodations need to be adjusted, are not provided, or need to be reviewed.
- Applying for funding as appropriate to assist in the payment for services or resources associated with the accommodations.

ii. Student Accessibility Coordinator:

The Student Accessibility Coordinator is responsible for:

- Ensuring that assistance and accommodations are provided on an individual basis and in a timely manner.
- Together with the other Student Success Advisors, providing services to students with disabilities, and in doing so, fulfilling the college's duty to provide supports that improve the educational development of students with disabilities.
- Soliciting decisions for non-standard accommodation requests and providing case management for specialized situations involving non-standard accommodations. Seeking advice from faculty, academic managers and other academic personnel on complex academic accommodations decisions.
- Providing professional development opportunities for college faculty and staff in support of education and awareness of students with disabilities in the teaching and learning environment.
- Developing and maintaining all procedures documentation for use by Student Success Advisors and decision-makers.
- Communicating this policy and associated procedural information to the college community.
- Liaising with outside organizations regarding accessibility issues.
- Responding to requests for information regarding students' academic accommodations in relation to complaints/inquiries as appropriate.
- Advising on non-academic accommodations for students with disabilities (e.g. facilities).

iii. Student Success Advisor(s):

The Student Success Advisor(s) are responsible for:

- Ensuring that assistance and accommodations are provided on an individual basis and in a timely manner.
- Providing services to students with disabilities, including evaluating student requests and assessing student need, requesting and assessing documentation, making decisions on standard accommodations, soliciting decisions for non-standard accommodation requests, and organizing accommodations based on approved plans.

- Working with academic support departments on their provision of services, and supporting students in working out any difficulties arising related to academic accommodations
- Informing the Dean on potential breaches of this policy or any potential risk to the college in relation to the provision or non-provision of academic accommodations for students with disabilities.

iv. Faculty:

Faculty are responsible for:

- Recognizing the requirement to support the academic accommodations and referring students when appropriate.
- Actively engaging in the academic accommodation planning process when requested, aiding in defining the essential academic requirements and standards to be considered when developing a reasonable academic accommodations plan, and considering a range of possible approaches and reasonable solutions to uphold essential academic requirements and standards.
- Working collaboratively with students and colleagues to implement and follow academic accommodations in a manner that meets essential academic requirements and standards and protects the dignity and privacy of students.
- Understanding that their role is to help implement approved academic accommodations and not to obtain information from students about their specific disabilities. Students are not required to disclose private medical information to, nor should they seek accommodation directly from faculty without having an approved plan in place.
- Promoting a learning environment that ensures equal opportunity and freedom from discrimination.

v. College and School Leadership:

College and School leadership are responsible for:

- Ensuring fair admission decisions and reasonable academic accommodations are provided to students with disabilities as outlined in this policy.
- Developing and maintaining information on essential academic requirements and standards and bona fide academic requirements for all programs, to support fair admission decisions and the planning and provision of reasonable academic accommodations. In exceptional circumstances, with the approval of the Dean, modifications or substitutions of courses may be made.
- Providing individuals with procedural fair decision-making processes, including appeals, which reflect principles of administrative justice: no unnecessary delays, access to a fair and impartial decision-maker, the right to be heard, and a right to a clear, written decision with explanations for the decision.
- Encouraging the principles of universal access design in the teaching and learning environment.
- Cultivating an environment that respects the privacy of all persons concerning self-disclosed information in accordance with the Personal Health Information Act (PHIA) and the Freedom of Information and Protection of Privacy Act (FIPPA).

vi. Respectful College Coordinator:

The Respectful College Coordinator is responsible for:

- Providing advice on the duty to accommodate and on Human Rights-related inquiries. Refer to Respectful College (M10) for further information.

VI. Policy Authority:

The Vice-President Academic is responsible for this policy.

Questions regarding the interpretation of this policy should be directed to:

Office of the Vice-President Academic
1430 Victoria Ave. East
Brandon, MB R7A 2A9
Phone: 204.725.8700 / 800.862.6307
Email: VPAcademic@Assiniboine.net

VII. Appeals:

Students may appeal a decision made using this policy by following the steps outlined in Policy A01 Academic and Disciplinary Appeals.

VIII. Related Policies

Academic and Disciplinary Appeals (A01)
Student Conduct, Behaviour and Discipline (A02)
Student Concerns and Complaints (A04)
Academic Responsibilities (A08-1)
Academic Standards (A08-2)
Evaluation of Student Learning (A08-3)
Grades (A08-4)
Student Academic Standing and Progression (A08-5)
Graduation (A08-6)
Academic Integrity (A25)
Respectful College (M10)

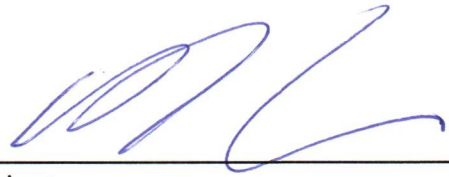
IX. Related Materials

The Accessibility for Manitobans Act
The Canadian Charter of Rights and Freedoms
The Human Rights Code (Manitoba).
Personal Health Information Act (PHIA)
The Freedom of Information and Protection of Privacy Act (FIPPA)
Accessible Canada Act

Date

Aug 30/23

President

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