



## Senate

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## POLICY

### 1. Institutional Commitment

Mount Saint Vincent University actively seeks and supports the full participation of students who have disabilities, are Deaf, or are neurodivergent with equitable opportunities for academic success and personal development. Our commitment to accessibility begins with identifying and establishing strategies to remove and prevent social, communication, attitudinal, and physical barriers in the teaching and learning environment.

Equity, diversity, inclusion, and an accessible environment for all are integral to attaining excellence in higher education. At MSVU, that environment is informed by the MSVU Strategic Plan, the Accessibility Act, 2017, and the Nova Scotia Human Rights Act. The Accessibility Act obliges institutions to provide a barrier-free environment that supports dignity, independence, integration, and equal opportunity for all persons with disabilities, Deaf persons, and neurodivergent persons. The Act guarantees the right to equitable access to education without discrimination on the grounds of disability.

The University supports academically qualified students with disabilities to participate as fully as possible in academic programs by providing services and reasonable academic accommodations. Academic accommodations shall be consistent with the Accessibility Act,

2017, principles of human rights legislation, and the University's Harassment & Discrimination Policy as they apply to the provision of academic accommodations and services, programming, and experiential learning to students with disabilities.

## 2. Purpose

This Policy will:

- Outline the roles and responsibilities of students, instructors (course/lab), 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 a disability, Deaf students, and neurodivergent students, in interaction with a barrier that adversely affects equitable access to an academic course, lab, or program at the University.

This Policy applies to all students with a disability, Deaf students, and neurodivergent students 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

Definitions of disability are complex and ever-evolving. The term disability includes a wide range and degree of temporary, episodic, and permanent conditions. Under the protection of the Accessibility Act, 2017, a student with a disability is ensured equal opportunity to fully participate in postsecondary education. It is standard practice to use disability, Deaf and neurodivergent when describing the disability communities.

The University has adopted the meaning of disability established by the Accessibility Act, 2017. Disability is a physical, mental, intellectual, learning, or sensory impairment, including an episodic disability that, in interaction with a barrier, hinders an individual's full and effective participation in society - Nova Scotia Accessibility Act, 2017. For further details, see Appendix A.

## 5. Academic Standards and Accommodations

The University takes its **duty to accommodate** seriously by providing appropriate and reasonable 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, lab, or program content and information (e.g., curriculum);
- participates in learning and course/lab 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 create equitable access to education with the removal of barriers concerning the student's individual circumstances.

Students with disabilities, Deaf, and/or Neurodivergent students 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, Deaf, and/or Neurodivergent students, without lowering academic standards or compromising the integrity of the course/lab 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/lab 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 with the student, instructor, and Accessibility Services and are 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 instructors, and may include staff, senior administration, service providers, and health professionals, as necessary. The primary responsibilities of students, Accessibility Services, and instructors in the accommodation process are outlined below.

### **6.1 Students are responsible to:**

- a. Self-identify to Accessibility Services as soon as possible, and ideally before the beginning of each term. While exceptional circumstances will be assessed on a case-by-case basis, students are expected to register with Accessibility Services as soon as possible and in a timely manner;
- b. Communicate with instructors within 2 weeks of registration with Accessibility Services and/or the student has received a copy of the proposed accommodations

- faculty letter. Students are required to communicate with each of their instructors to plan the reasonable and timely application of accommodations;
- c. Provide Accessibility Services with documentation of their disability, as set out in Section 7 of this Policy or as otherwise requested by Accessibility Services;
  - d. Cooperate in accommodation planning, implementation, and monitoring, including by:
    - i. communicating with instructors at the beginning of each term to discuss how accommodations may be arranged in each class;
    - ii. accepting reasonable alternate accommodation options proposed by Accessibility Services (in collaboration with instructors or others);
  - e. Advise Accessibility Services immediately of the need for additional or revised accommodations;
  - f. Advise Accessibility Services immediately of any concerns with instructors or staff;
  - g. Abide by the procedures established by Accessibility Services as amended and stay knowledgeable of procedures as required;
  - h. If in a practicum, co-op, or work-integrated learning program, discuss appropriate and reasonable accommodations with coordinators;
  - i. 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 instructors and practicum, co-op, and experiential and/or work integrated learning coordinators;
- e. Assist students, instructors, and staff to understand this Policy, and meet with students, instructors, or staff to address any concerns with a disability or accommodation;
- f. Raise awareness within the University community about the duty to accommodate and provide resources and training on accessible best practices;
- g. In collaboration with Teaching and Learning Centre, support instructors with assistive technology, differentiated instruction, and incorporating the principles of Universal Design for Learning in their course/lab design and delivery.
- h. Ensure all administrative procedures are available to students and instructors, updated regularly and communicated for implementation;
- i. Maintain confidentiality in accordance with this Policy.

### **6.3 Instructors are responsible to:**

- a. Provide an inclusive and positive learning environment;
- b. Communicate privately about each student's accommodation plan;
- c. Explore a variety of teaching strategies, techniques, and methods such as assistive technology, differentiated instruction, and the principles of Universal Design for Learning (UDL) when planning and executing course/lab requirements and learner assessment methods. Contact the Teaching & Learning Centre and Accessibility Services for additional resources);
- d. Collaborate with Accessibility Services and students to identify and support the requirements of the student through academic accommodations;
- e. Refer students to Accessibility Services for information and support;
- f. Make every reasonable accommodation to facilitate and foster the learning of students with disabilities, consistent with academic integrity;
- g. Include a statement on course syllabi regarding accommodating students with disabilities, in accordance with the Course Outline Policy;
- h. Abide by the procedures established by Accessibility Services as amended and stay knowledgeable of procedures as required.
- i. Contact Accessibility Services immediately if they have questions or concerns regarding accommodations,
- j. 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:

- i. Be written by a regulated health professional with specific training and expertise in the diagnosis and description of the condition(s) for which accommodation is being requested;
- ii. Verify the existence of a disability or medical condition;
- iii. Describe the functional impacts of the disability or requirements associated with the disability; and
- iv. Identify the types of academic accommodations that may be required to provide equitable access to education and remove barriers in the academic course, lab or program.

Documentation must be verified as current, relevant and completed by a regulated health professional, which may include a registered psychologist, psychiatrist, certified counsellor, occupational therapist, physical therapist, medical doctor, and/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, emergent, episodic, or unclear, the student may be asked to cooperate by providing additional information, up to and including a diagnosis. In circumstances where additional documentation is required, Accessibility Services will communicate with the student any requirements for re-evaluation and changes to the accommodation plan.

Accessibility Services will consider the recommendations of regulated health professionals when developing reasonable accommodations. In appropriate circumstances, Accessibility Services may approve certain accommodations on an interim basis for a specified period, normally one academic term, 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 instructors, experiential learning/practicum coordinators, 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/lab 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. Experiential Learning, Co-op Placements, Practicums and Work Integrated Learning Programs**

Students registered with Accessibility Services and enrolled in any experiential learning, Co-op placement, and/or practicum and work-integrated program, who require accommodations, must be involved in the planning process involving MSVU coordinators, instructors, on site supervisors and Accessibility Services. The duty to accommodate is shared between the University and the placement/program and all parties will collaborate in the development of an

appropriate accommodation plan. Academic accommodations do not automatically transfer to other settings and any accommodations planned for course/lab work must be reviewed for suitability and approval in the context of an experiential learning, co-op placement and/or and work-integrated program

## **11. Enrollment Status**

Students with disabilities, Deaf, and/or Neurodivergent students registered with Accessibility Services are considered full time when a student is taking 40% or more of a full course load. This typically means that a student registered with Accessibility Services has to be registered in 1.00 unit in the Fall and 1.00 unit in the Winter term in order to be considered full time. A student registered with Accessibility Services is considered full time during Summer Session with 1.0 unit.

International students registered with Accessibility Services may not be eligible for a course reduction due to study permit requirements.

## **12. Dispute Resolution**

### **i. Internal Complaint Process:**

Any student who believes that they have been the subject of discrimination based on their disability or who believes that accommodations and services are inappropriate to provide access should seek resolution directly with their instructor as soon as possible. This communication may involve an Accessibility Advisor who may request support from the Manager of Accessibility Services. The Manager of Accessibility Services shall first attempt to resolve any concerns regarding the approval, interpretation, or implementation of an accommodation. For instance, in the event an instructor disagrees with an accommodation requested by a student or approved by Accessibility Services, the instructor shall not deny the student the accommodation and shall raise their concerns directly to the Manager of Accessibility Services. The Manager, instructor, and student will consider alternative options, exploring every reasonable accommodation option to the point of undue hardship. During the informal resolution process, the Chair or Director and/or the Dean may be included in mediation and request for information and resources may be required. When appropriate, informal resolution with the individual, or department giving rise to the complaint is encouraged and should be attempted prior to formal filing of a grievance. The informal procedure affords all interested persons an opportunity to respond and make modifications if necessary.

### **ii. External Complaint Process:**

In the event an agreement concerning accommodations cannot be reached between a student, instructor, 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. If a resolution cannot be reached with the parties and the Harassment & Discrimination advisor, the issue may go through a formal complaint process and external investigation. The external complaint process may be followed to address concerns involving but not limited to: disagreement regarding the determination and/or the delivery of a requested service, accommodation, auxiliary aid or service, assistive technology, or modification of a school/university practice or degree requirement in an effective or timely manner; denial of a requested accommodation; inaccessibility of a MSVU program, service or activity; harassment or disparate treatment because of a disability; and any other instance in which a student believes that they have been subjected to discrimination on the basis of disability. 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, lab or program in question

### **13. Advisory and Policy Review Procedures**

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

- the Manager of Accessibility Services (chair);
- a representative from the student body (typically a student with a disability);
- an instructor;
- a representative from the Registrar's Office;
- the Harassment & Discrimination Advisor, and
- a Dean.

The ASPAC will meet regularly throughout the year to develop procedures, review process, advise and evaluate service standards of Accessibility Services.

The ASPAC will track the effectiveness of the Senate Policy on Academic Accommodations for Students with Disabilities 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 Accessibility Act, 2017**

Section 3(i) “disability” includes a physical, mental, intellectual, learning or sensory impairment, including an episodic disability, that, in interaction with a barrier, hinders an individual’s full and effective participation in society;

### **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/Lab Accommodations

- Note takers
- Audio recorders, recorded lectures
- Laptops
- Accessible seating, location of seating and mobility assistance
- Alternate formatting of educational materials (e.g. electronic files, large print, Braille)
- Service animals (e.g. guide dogs)
- Sign language (ASL) - interpreter
- CART - Communication Access Realtime Translation
- 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
- American Sign language (ASL) - interpreter
- CART - Communication Access Realtime Translation
- Accessible seating, location of seating and mobility assistance
- Alternate formatting of test/exam materials (e.g. electronic files, large print, Braille)

## 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 of the instructor;
- 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.