



Memorandum

Deputy Provost (Student Life and Learning)
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TO: Senate

FROM: Professor Angela Campbell, Interim Deputy Provost (Student Life and Learning)

SUBJECT: Proposed revisions to the *Policy Concerning the Rights of Students with Disabilities*

DATE: January 15, 2025

DOCUMENT #: D24-43

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE The proposed *Policy Concerning the Right to Academic Accommodations for Students with Disabilities* (Appendix A), compared to the current Policy (Appendix B), has been revised such to:

- Use clear language and a softer tone to articulate a framework for establishing Academic Accommodations for Students with Disabilities and specifies the roles and responsibilities of the Student, Student Accessibility and Achievement, instructors and staff, and academic leadership.
- Highlight confidentiality and freedom from discrimination as student rights.
- Show ownership and a plan to communicate and provide training and education on the Policy Concerning the Right to Academic Accommodations for Students with Disabilities and on inclusive practices.
- Include a plan to evaluate and report on the implementation of the Policy Concerning the Right to Academic Accommodations for Students with Disabilities.
- Reflect the structural and formatting changes required for current University governing documents.

While it is common practice to use track changes to detail how a document has been modified, the existing Policy required complete restructuring and a thorough re-write thus making the use of track changes impractical in this instance.

BACKGROUND & RATIONALE

McGill University is committed to an accessible and equitable learning environment for all Students, recognizing that our University community is enhanced by the diversity of our student body, which includes persons with Disabilities. The University is committed to maintaining the organization and provision of services to support the inclusion of Students with Disabilities in the McGill experience.

Amendments to the existing Policy were last made and approved by Senate in 2005. The proposed *Policy Concerning the Right to Academic Accommodations for Students with Disabilities* clarifies the supports available for Students with Disabilities and reflects current educational and accessibility practices and legal requirements. It better upholds the values articulated within the University's Mission Statement and Principles.

**PRIOR
CONSULTATION**

McGill Community, Student Associations, Student Accessibility and Achievement, Office of the Dean of Students, Enrolment and Student Affairs Advisory Committee, Secretariat, Legal Services, P7

**SUSTAINABILITY
CONSIDERATIONS**

Academic Accommodations help to create an equitable educational experience for Students with Disabilities and ensure these Students benefit from social, economic, and environmental progress. This fosters a more inclusive and resilient community at McGill and more broadly in society.

**IMPACT OF
DECISION AND
NEXT STEPS**

Following discussion at Senate, it is anticipated that the revisions will be submitted for consideration at the February 12, 2025, meeting of Senate. Pending approval, the proposed revisions will be presented to the Board of Governors for consideration.

**MOTION OR
RESOLUTION
FOR APPROVAL**

n/a

APPENDICES

Appendix A: Proposed Policy Concerning the Right to Academic Accommodations for Students with Disabilities

Appendix B: Current Policy Concerning the Rights of Students with Disabilities

POLICY NAME	Policy Concerning the Rights of Students with Disabilities Proposed: Policy Concerning the Right to Academic Accommodations for Students with Disabilities
Approving Body	Board of Governors
Original Approval Date	May 29, 1995 (Board of Governors Minute 8247)
Last Revision Date	April 13, 2005 (Senate Minute 10)
Next Review Date	

Related Documents	Charter of Students' Rights Code of Student Grievance Procedures Policy on Harassment and Discrimination Policy on Assessment of Student Learning Policy on the Governance of Personal Information
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1 PREAMBLE

McGill University is committed to an accessible and equitable learning environment for all Students, recognizing that our University community is enhanced by the diversity of our student body, which includes persons with Disabilities. The University is committed to supporting the inclusion and academic success of Students with Disabilities. The following Policy upholds the values as articulated within the University's Mission Statement and Principles, namely those of academic freedom, integrity, responsibility, equity, and inclusiveness.

2 PURPOSE

This Policy shall:

- 2.1 Ensure the above Preamble is realized with respect to the educational experience of Students with Disabilities and confirms the measures by which the University meets its obligations within this realm.
- 2.2 Articulate a framework for establishing Academic Accommodations, including the roles and responsibilities of key stakeholders in the process, understanding that Academic Accommodations call for collaborative processes that require active participation from multiple stakeholders. Each stakeholder has a distinct role to play to achieve an equitable educational experience for Students with Disabilities at McGill.
- 2.3 Elaborate on some key elements within the [Charter of Students' Rights](#) and other relevant University policies to bring further precision to their application in relation to the experience of Students with Disabilities.

3 SCOPE

- 3.1 This Policy applies to Academic Accommodations for Students on the basis of Disability and articulates the organization and delivery of such accommodations at McGill.

- 3.2 This Policy applies to Students with a Disability seeking Academic Accommodations within the context of courses, learning experiences, and programs directly provided by McGill University.
- 3.3 In the context of paid employment, Student employees with Disabilities have access to accommodation(s) under the appropriate [Human Resources Guidelines](#).
- 3.4 Accommodations related to student life activities outside of the academic realm (e.g., student housing, student services) are governed by standards set by law and the requirements of McGill's *Policy on Harassment and Discrimination*.
- 3.5 Accommodations required to address incidental illness, as well as academic considerations not related to Disability (e.g., pregnancy, care responsibilities, bereavement, religious observances, natural disasters, etc.) are governed by processes that have been established outside of this Policy.
- 3.6 This Policy is to be interpreted in a manner that is consistent with the goals set out in the Preamble, as well as with the provisions of the *Civil Code of Québec* and the *Quebec Charter of Human Rights and Freedoms*.

4 DEFINITIONS

Within the context of this Policy, the following definitions are adopted:

- 4.1 **“Academic Accommodations”** means adjustments or modifications made to the usual academic environment, processes, or requirements to ensure that students with documented disabilities or exceptional circumstances can access educational opportunities equitably. These accommodations are designed to remove barriers to learning and assessment, allowing students to demonstrate their abilities without altering the essential requirements or integrity of a course or program. Academic accommodations are generally determined on a case-by-case basis.
- 4.2 **“Appropriate Documentation”** means attestation provided by a licensed professional with expertise and diagnostic capacity in the relevant domain, which confirms the presence of a Disability, and which is verifiable by a third-party.
- 4.3 **“Assessment”** has the meaning defined in the [Policy on Assessment of Student Learning](#), which is the process through which the progress and achievements of a student or students are measured or determined. Based on established criteria and standards, assessment provides ongoing feedback to the student about the quality and extent of their knowledge, understanding, and performance, and determines assigned grades.
- 4.4 **“Barrier”** means a factor whose presence limits a Student's ability to equitably participate or achieve academic success on account of that Student's Disability.
- 4.5 **“Core Competencies”** means those elements of a course or program of study that are deemed to have been established in good faith, which are rationally connected to the subject matter being taught and assessed, and that are necessary to demonstrate mastery of a course or program content.

- 4.6 **"Disability"** means any impairment, including a physical, mental, intellectual, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a Barrier, hinders a person's full and equal participation within the university academic or student life context.
- 4.7 **"Qualified Student with a Disability"** means a prospective student with a Disability, who when provided with reasonable accommodation, can meet the academic and technical standards and expectations for admission and participation in their given program of study, and who shall not, solely on the basis of Disability, be excluded from participation.
- 4.8 **"Student"** has the meaning defined in the [Charter of Students' Rights](#), which is 1) Any person registered in the University for a course, courses, or research, whether or not they are a candidate for a degree, diploma or certificate; 2) Persons previously registered in the University under (i) above who are on a leave of absence.
- 4.9 **"Undue Hardship"** means a burden or cost that is significant and surpasses what an institution can reasonably be expected to absorb. In the university context, the fact that an Academic Accommodation would require differential treatment for a Student with a Disability is not an Undue Hardship.

5 STUDENT RIGHTS

Section 5 shall be interpreted as complementary to the [Charter of Students' Rights](#), and is subject to other applicable McGill policies and procedures, applicable law and the considerations of the framework in Section 6.1 of this Policy (in alphabetical order).

5.1 Admission

As with all applicants, a Qualified Student with a Disability has a right to be considered for admission to McGill University without discrimination. A Qualified Student with a Disability conforms to the same academic conditions of acceptance as other applicants.

5.2 Confidentiality and Freedom from Discrimination

5.2.1 Personal Information is processed in accordance with University policy and applicable legislation. Personal information concerning a Student's Disability or a Qualified Student's Disability is held in confidence and will not be shared without the Student's or Qualified Student's consent, or except as required or permitted by law or with a Student's consent.

5.2.2 Students have a right to an environment free from discrimination and/or harassment. In instances in which a Student with a Disability has experienced discrimination or harassment, they may seek recourse through the [Policy on Harassment and Discrimination or the Code of Student Grievance Procedures](#).

5.3 Financial Aid

5.3.1 Students with Disabilities who are studying on a reduced course load because of their Disability are eligible to be considered for bursaries, interest-free loans, and work-study

opportunities, as evaluated based on demonstrated financial need by the Scholarship and Student Aid Office.

- 5.3.2 Students with Disabilities who are studying on a reduced course load because of their Disability are eligible to be considered for internally administered scholarships and fellowships for full-time Students on the basis of equivalent academic standing. Student Accessibility and Achievement will collaborate with Faculties and the Scholarship and Student Aid Office to ensure all potentially eligible Students are identified for consideration, based upon Appropriate Documentation.

5.4 ***Support Services and Modifications***

Students with Disabilities have a right to review Barriers they identify within their learning environments with Student Accessibility and Achievement with a view to determining an Academic Accommodations in accordance with Section 6.

6 **ACCOMMODATION FRAMEWORK**

6.1 ***Academic Accommodation***

- 6.1.1 Academic Accommodations are intended to reduce or eliminate Barriers that Students with Disabilities encounter within their academic environments.
- 6.1.2 Academic Accommodations promote and support Students with Disabilities' academic inclusion and success. They do not, however, mitigate against all potential discomforts or challenges a Student may experience through the course of their academic journey.
- 6.1.3 The University has an obligation to provide Academic Accommodations to the point of Undue Hardship. Such Academic Accommodations must be reasonable and seek to reduce or remove the Barriers that a Student with Disability encounters in their academic environment.
- 6.1.4 A Student with a Disability who faces a Barrier must request Academic Accommodations in a timely manner. This request is made through Student Accessibility and Achievement.
- 6.1.5 Student Accessibility and Achievement is responsible for determining Academic Accommodations in any given case. In making this determination, Student Accessibility and Achievement is bound to:
- 6.1.5.1 Make decisions on a case-by-case basis;
 - 6.1.5.2 Determine the need for Academic Accommodations by examining whether the Student faces a Barrier and the relationship between this Barrier and the Student's Disability, as supported through Appropriate Documentation;
 - 6.1.5.3 Balance the Student's rights with due regard for institutional constraints, notably the requirements of a given academic course or program;

- 6.1.5.4 Engage in active consultation and maintain open communication with the Student concerned;
- 6.1.5.5 Consult and collaborate with the instructor(s) and Associate Dean(s) Academic concerned, who are recognized as the subject-matter experts in determining the Core Competencies for a course program to which an Academic Accommodation pertains; and
- 6.1.5.6 Consult with Legal Services as required where there is any doubt about whether proposed Academic Accommodations meet the threshold of Undue Hardship.
- 6.1.6 In the context of this Policy, Academic Accommodations may include but are not limited to modifications related to a Student's classroom or learning space or to the parameters of a Student's academic assessment or evaluation.
- 6.1.7 In the context of this Policy, Undue Hardship may include but is not limited to Academic Accommodations that are likely to result in any of the following:
 - 6.1.7.1 The Student with a Disability would not have acquired one or more of the Core Competencies of a course or program of study, thereby undermining the integrity of the course or program;
 - 6.1.7.2 Significant risks to the health and safety of the Student with a Disability or others; or
 - 6.1.7.3 Substantial costs that put the University as a whole at risk.
- 6.1.8 The University bears the onus of establishing that a requested Academic Accommodation meets or surpasses the threshold of undue hardship.
- 6.1.9 Core Competencies are those elements of a course or program of study that are deemed to have been established in good faith, that are rationally connected to the subject matter being taught and assessed, and that are necessary to demonstrate mastery of a course or program content.

6.2 Decision Review Process

Where a Student disagrees with an Academic Accommodation decision, they may request that a review of this decision be conducted by the Associate Director and/or Director of Student Accessibility and Achievement. If unsatisfied with the outcome of such a review, the Student may seek support through the Ombudsperson or the Dean of Students. As a final resort, the Student can challenge the decision via the [Code of Student Grievance Procedures or the Policy on Harassment and Discrimination](#).

7 RESPONSIBILITIES

The work of developing and implementing Academic Accommodations for Students with Disabilities is a shared responsibility that requires strong communication, collaboration, and coordination among multiple stakeholders, each of whom have a role to play within the context of this Policy.

7.1 Responsibilities of Student Accessibility and Achievement

Student Accessibility and Achievement is the administrative unit with Disability-related expertise regarding Students and holds principal responsibility for Academic Accommodations on behalf of the University.

Student Accessibility and Achievement has the following responsibilities:

- 7.1.1 Make its services widely known to all current and potential members of the McGill community;
- 7.1.2 Respond in a timely fashion to Students with Disabilities' requests for Academic Accommodations;
- 7.1.3 Engage in good faith and respect the requirements of Section 6.1.5 in assessing requests for Academic Accommodations;
- 7.1.4 Collaborate with the appropriate parties (e.g., relevant faculty members, campus partners, etc.) to ensure the successful implementation of approved Academic Accommodations;
- 7.1.5 Participate in discussions with faculty members and course instructors regarding the feasibility and implementation of specific Academic Accommodations; and
- 7.1.6 Respect the confidentiality of the Student's Disability status to the limits as outlined in Section 5.2.1.

7.2 Responsibilities of Students

Students with Disabilities seeking Academic Accommodations have the following responsibilities:

- 7.2.1 Make timely and formal requests for Academic Accommodations, as well as for adjustments to Academic Accommodations;
- 7.2.2 Provide relevant and Appropriate Documentation to support a request for Academic Accommodations;
- 7.2.3 Engage actively and in good faith in the process with the shared goal of establishing Academic Accommodations; and
- 7.2.4 Undertake a reasonable degree of self-advocacy, which includes but is not limited to, self-identification for registration purposes, provision of updates related to medical status or any change in Barriers encountered, and participate in discussions with course instructors related to the implementation of specific accommodations, etc.

7.3 Responsibilities of Staff Responsible for Teaching and Academic Programs

Academic and administrative staff responsible for the administration of courses and course activities have the following responsibilities:

- 7.3.1 Refer any Student with a Disability seeking Academic Accommodations to Student Accessibility and Achievement;

- 7.3.2 Respect the confidentiality of a Student's Disability status to the limits set out at 5.2.1;
- 7.3.3 Collaborate actively and in good faith in the provision of Academic Accommodations;
- 7.3.4 Participate in discussions with Student Accessibility and Achievement regarding the feasibility and implementation of specific Academic Accommodations.
- 7.3.5 Participate as needed in the timely implementation of approved Academic Accommodations; and
- 7.3.6 Collaborate with Student Accessibility and Achievement to communicate clearly the Core Competencies of academic programs and courses.

7.4 Responsibilities of Academic Leadership

Academic Leaders and Senior Academic Administrators within the Faculties (e.g., Deans, Associate Deans, Department Chairs and Directors) have the following responsibilities:

- 7.4.1 Be familiar with and promote this Policy and Student Accessibility and Achievement among teaching staff whom they are charged with supervising;
- 7.4.2 Create processes and procedures to ensure requests from Student Accessibility and Achievement related to Academic Accommodations are addressed in a timely fashion;
- 7.4.3 Ensure Students with Disabilities seeking Academic Accommodations are referred to Student Accessibility and Achievement;
- 7.4.4 Collaborate actively and in good faith in the provision of Academic Accommodations;
- 7.4.5 Consult and collaborate with Student Accessibility and Achievement in instances of conflicting interpretations of what Academic Accommodations ought to be implemented in relation to a course or program under their authority;
- 7.4.6 Collaborate with Student Accessibility and Achievement as required to communicate Core Competencies of academic programs and courses under their charge.

8 REPORTING

The Deputy Provost (Student Life and Learning) shall report bi-annually to Senate on the implementation of this Policy, notably in relation to efforts related to education and awareness-raising about Academic Accommodations for Students with Disabilities.

Prior to the next review, a survey will be conducted of Student and administrative experiences in relation to obtaining and providing Academic Accommodations related to Disability. The results will inform the subsequent revision of the Policy.

9 AUTHORITY TO APPROVE PROCEDURES

The development and review of institutional procedures, as well as roles and responsibilities and other elements of the application of this Policy, will be the responsibility of the Deputy Provost (Student Life and Learning) in consultation with members of senior administration and other stakeholders, including students, as appropriate.

10 REVIEW OF POLICY

This Policy shall be reviewed at least every five years by a working group comprising:

- the Deputy Provost (Student Life and Learning) or delegate (as Chair)
- the Dean of Students, or delegate
- the Senior Director, Student Services, or delegate
- the Director, Student Accessibility and Achievement, or delegate
- the Chair, Equity, Diversity, and Inclusion Committee, or delegate
- Legal Counsel
- Two faculty members with experience as an Associate Dean and/or undergraduate or graduate program director
- Three students, at least one of whom shall be a graduate student



Policy Concerning the Rights of Students with Disabilities

<i>Approved:</i> Board of Governors	May 29, 1995	Minute 8247
<i>Amended:</i> Senate	April 13, 2005	Minute 10

Application

- 1 McGill University makes its services to students with disabilities clearly known to all potential applicants, and to the community at large.
- 2 This is implemented through the joint efforts of the University Admissions and Registrar's Office and Faculty Admission Offices and the Office for Students with Disabilities and includes providing the following:
 - adequate information in the McGill calendar on support services available at the University;
 - adequate information on support services in admissions publications;
 - general information on the University in Braille, large print, audio tape or disk when requested to do so;
 - relevant information provided by the Office for Students with Disabilities, given through University liaison officers and other personnel involved in the University admission process to potential candidates and the community at large.
- 3 Applicants with disabilities conform to the same academic conditions of acceptance as other applicants. However they are encouraged to submit additional information on their life circumstances so that these can be considered in the evaluation of their application.

Admission

- 4 As with all applicants, qualified students with disabilities are considered for admission to McGill University without discrimination.

Article 2.2 of the "Charter of Student Rights" states that "A distinction, exclusion or preference based on relevant academic or physical aptitudes or qualifications required in good faith is deemed non discriminatory". Given this, and in conformity with the Quebec Charter of Human Rights and Freedoms, Article 10, it is incumbent upon the University to ensure that such a distinction or exclusion is valid. In consultation with the Office for Students with Disabilities, appropriate adaptations to the physical or academic environment which might negate such an exclusion must be thoroughly considered before a decision is made.

- 5 Admissions policies in each faculty and unit of McGill University are consistent with this overall admission policy.
- 6 The level of support services needed by the applicant with a disability is not a factor in the admission decision.

Financial Aid

- 7 Students with disabilities who are studying on a reduced course load because of their disability are entitled to be considered for loans, bursaries, and work-study opportunities, as evaluated by the Office of Student Aid.
- 8 Students with disabilities who carry a reduced course load because of a disability are eligible to be considered for scholarships and fellowships available to full-time students, on the basis of equivalent academic standing. All potentially eligible students will be identified by the Office for Students with Disabilities and referred to the University Committee on Scholarships and Student Aid for consideration.

Support Services

- 9 Students with disabilities have the right to a determination of available support services by the Office for Students with Disabilities to help them fulfill their academic requirements; these include, readers, note-takers, interpreters, and technological aids.
- 10 Students with disabilities who are enrolled in the Centre for Continuing Education have rights to these support services on the same basis of eligibility as to all other student services.

Modifications

- 11 Necessary measures will be taken to ensure that students with disabilities are permitted to use appropriate accommodations in their academic life (e.g., student who has a hearing impairment can use an FM system; instructor provides material in sufficient time for the Office for Students with Disabilities to convert it to Braille). Accommodations are coordinated by the Office for Students with Disabilities in consultation with the academic unit.
- 12 Students with disabilities, when appropriate, receive flexibility of time limits in the completion of academic assignments, as appropriate to their disability; special arrangements are coordinated by the Office for Students with Disabilities in consultation with the academic unit.
- 13 Students with disabilities receive modifications in the evaluation process, as appropriate (e.g., utilizing essay rather than multiple choice exams to evaluate students with a particular learning disability). These modifications are coordinated by the Office for Students with Disabilities in consultation with the academic unit.
- 14 Students with disabilities have the right to a review of environmental barriers in the academic setting and the determination of a method of dealing with them. Barriers include exposure to chemicals and micro-organisms which exacerbate their particular medical condition.

Barrier-free Environment

- 15 There is an ongoing removal of architectural barriers that limit students with disabilities from full participation in University life; the McGill Barrier-Free Standards are applied to all renovation and new construction at McGill.

- 16** There is an ongoing educational program to mitigate against attitudinal barriers that limit students with disabilities from full participation in University life. This program is coordinated by the Office for Students with Disabilities in cooperation with relevant University departments.
- 17** Policy concerning the availability of parking for students with disabilities is coordinated by the Office for Students with Disabilities in cooperation with the Security and Parking Services.
- 18** Transportation on campus is provided for students with disabilities where appropriate. This is coordinated by the Office for Students with Disabilities in cooperation with the University Planning Office.

Participation in Policy

- 19** Students with disabilities are an active part of the process that formulates policies related to their needs.

<i>Legislative History:</i>		
<i>Approved:</i> Senate	January 15, 1986	Minute 44
<i>Amended:</i> Senate	May 3, 1995	Minute 123
<i>Approved:</i> Board of Governors	May 29, 1995	Minute 8247
<i>Amended:</i> Senate	April 13, 2005	Minute 10