

## DRAFT – For Public Consultation – July 2020

### Policy Concerning the Right to Accommodation for Students with Disabilities

*McGill University*

#### PART I - INTERPRETATION AND SCOPE

##### Preamble

McGill University commits to an accessible and equitable learning environment for all students while meeting its legal obligations within this realm as set out by provincial and federal law. Disability-related accommodation provision at McGill is a collaborative process requiring active participation from key stakeholders. Each key stakeholder has a distinct role to play in order to achieve a reasonable and equitable educational experience for students with disabilities at McGill.

The following policy upholds the values as articulated within the McGill University Mission Statement and Principles, namely those of academic freedom, integrity, responsibility, equity, and inclusiveness. This policy pertains, in particular, to how these principles are realized with respect to the educational experience of students with disabilities.

##### 1. Scope

- 1.1. This policy is limited to the organization of disability-related accommodation at McGill in fulfillment of the university's legal obligation.
- 1.2. This policy is limited to students with a disability seeking an accommodation within the context of courses and learning experiences directly governed by McGill University.
- 1.3. This policy does not apply in the context of paid student employment. Student employees have access to disability-related accommodations under the appropriate [Human Resources policies and procedures](#).
- 1.4. This policy is limited to accommodations requests by students on the basis of disability. This does not include established processes currently in place to address common ailments and incidental illness. Nor does it include academic considerations made in other instances of non-disability related requests (e.g., pregnancy, religious holy days, etc.).

##### 2. Definitions

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

- 2.1. **“Appropriate Documentation”** means attestation via third-party verifiable documentation provided by a licensed professional with

expertise and diagnostic capacity in the relevant domain, that supports the presence of a Disability.

2.2. **“Assessment”** is defined in the [University Student Assessment Policy](#) as any form of student activity used for evaluation in a course to which a grade is to be granted by the instructor.

2.3. **“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 in society* (taken from Federal Bill C-81, An Act to ensure a barrier-free Canada).

2.4. **“Student”** is defined in the [Charter of Students’ Rights](#) as  
(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; or  
(2) Persons previously registered in the University under (1) above who are on a leave of absence.

## **PART II – RIGHTS**

### **1. Admission**

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

1.2. Admissions policies in each Faculty and unit of McGill University are consistent with this overall admission policy.

1.3. The level of support services needed by the applicant with a disability is not a factor in the admission decision.

### **2. Financial Aid**

2.1. 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 Scholarship and Student Aid Office.

2.2. 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. The Office for Students with Disabilities will collaborate with the relevant offices to ensure that all potentially eligible students will be identified for consideration.

### **3. Support Services and Modifications**

3.1. Students with disabilities have the right to a determination of reasonable and available support services by the Office for Students with Disabilities to ensure equal access to their learning environment, therefore ensuring they have the opportunity to successfully fulfill their academic requirements.

3.2. 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.

3.3. Necessary measures will be taken to ensure that students with disabilities are permitted to use appropriate accommodations in their academic life. Accommodations are coordinated by the Office for Students with Disabilities in consultation with the student and the academic unit, as laid out in Part III – Responsibilities, below.

3.4. Students with disabilities have the right to a review of environmental barriers in the academic setting and the determination of a method to reduce any identified barriers.

### **4. Barrier-free Environment**

4.1. There are ongoing efforts to remove architectural barriers that limit students with disabilities from full participation in University life; the McGill [Accessibility on campus standards](#) are applied to all renovation and new construction at McGill.

4.2. There are ongoing educational efforts to mitigate against attitudinal and pedagogical barriers that limit students with disabilities from full participation in University life. These efforts are a collaboration between relevant University departments including the Office for Students with Disabilities, the Office of the Provost (in particular the equity education team), and Teaching and Learning Services.

4.3. Policy concerning the availability of parking for students with disabilities is coordinated by Parking Services, in collaboration with the Office for Students with Disabilities.

4.4. Adapted transportation on campus is provided for students with disabilities where appropriate. This is coordinated by Security Services, in collaboration with the Office for Students with Disabilities.

## **5. Participation in Policy**

5.1. Students with disabilities are actively consulted in relation to policies concerning their needs and experiences as a student at McGill.

## **PART III - RESPONSIBILITIES**

### **1. The Responsibilities of the Office for Students with Disabilities (OSD)**

The OSD acts as a central point for disability-related expertise and holds principal responsibility for disability-related student accommodation on behalf of the University. In order to serve this role, the OSD must fulfill the following responsibilities. The OSD is expected to:

1.1. Make their services widely known to all current and potential members of the McGill community;

1.2. Respond in a timely fashion to student requests for reasonable accommodation;

1.3. Engage in good faith with the assessment and determination of relevant disability-related needs;

1.4. In appropriate instances, respond to disability-related student requests by the creation of a reasonable and individualized accommodation plan;

1.5. Collaborate with the appropriate parties (e.g., relevant faculty members, campus partners, etc.) to ensure the successful implementation of an approved accommodation plan.

### **2. The Responsibilities of Students**

Students seeking Disability-related accommodations have the following responsibilities with regards to the process. Students are expected to:

2.1. Make timely and formal requests for any Disability-related accommodations, as well as for adjustments to existing accommodation plans;

2.2. Provide recent, relevant and Appropriate Documentation to support their request for accommodation;

2.3. Engage actively and in good faith in the process with the shared goal of establishing a reasonable accommodation plan;

2.4. Undertake a reasonable degree of self-advocacy (e.g., inform the Office of Students with Disabilities of any relevant changes in personal circumstance, discuss directly course-based accommodations with course instructors, etc.).

### **3. The Responsibilities of Faculty**

Members of Faculty and teaching staff are essential partners in the accommodation process. Their unique roles include the following:

Professors, Course Instructors, Faculty Lecturers or Delegates whom are responsible for courses are expected to:

3.1. Refer any student informally seeking Disability-related accommodation to the Office for Students with Disabilities;

3.2. Collaborate actively and in good faith in the provision of Disability-related accommodations;

3.3. Participate as needed in the timely implementation of established, reasonable accommodations;

3.4. Collaborate as needed with other Faculty members in establishing and communicating to OSD course and program core competencies.

Academic Administrators (e.g., Deans, Associate Deans, Program Heads, and Department Chairs) are expected to:

3.5. Collaborate actively and in good faith in the provision of Disability-related accommodations by ensuring that members of their faculty and related teaching staff be made aware of the provisions for student accommodation under the mandate of this policy.

3.6. Consult and collaborate with the Office for Students with Disabilities in instances of conflicting interpretations of reasonable accommodations in a course under their authority

3.7. Collaborate in complex accommodation planning by serving as discipline and context-specific subject matter experts within the scope of their authority.

## **PART IV - FRAMEWORK OF DISABILITY-RELATED STUDENT ACCOMMODATIONS**

1. Disability-related student accommodations are meant to reduce unnecessary disability-related barriers to a student's full participation in the university experience. They do not ensure academic success, nor do they mitigate all potential discomforts a student may typically experience through the course of their academic journey.
2. In accordance with the law, the University has an obligation to a) provide reasonable accommodation b) to students presenting with Disability-related barriers c) who request accommodation and provide Appropriate Documentation, d) but is only required to provide such a reasonable accommodation to the point of undue hardship.
3. The determination of what a reasonable accommodation up to the point of undue hardship is made on a case-by-case basis, considering institutional constraints, as well as the primacy of the duty to uphold academic integrity at the University.
4. In the context of the University and this policy, reasonable accommodations may include but are not limited to modifications related to the student's classroom experience, assessment or evaluation experience, and experience of the physical environment wherein objective disability-related barriers have been identified.
5. Undue hardship may include but is not limited to accommodations that are likely to result in any of the following: a) Impingement upon the core competencies of a course or program of study; b) Significant risks to the health and safety of the student or others; C) Substantial costs that put the University as a whole at risk.
6. 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 course or program content.

## **PART V – DECISION REVIEW PROCESS**

1. Initial decisions regarding accommodations are made by the Office for Students with Disabilities, with student consultation, to determine:
  - a) The presence and nature of objective Disability-related barriers;
  - b) The relationship of these barriers to the student's disability(ies), as supported through Appropriate Documentation;
  - c) Considerations of academic requirements and of the framework described in Part IV.

2. Complex accommodation planning is a collaborative process involving the student, OSD, and the appropriate Faculty Representative(s), who are consulted as discipline and context-specific subject matter experts in the determination of reasonable accommodations.
3. In instances where a student is in disagreement regarding an accommodation decision, they may request a review of this decision be conducted by the Associate Director and/or Director of the Office for Students with Disabilities. If unsatisfied with the review outcome, students 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](#).

#### **PART VI – AUTHORITY TO APPROVE PROCEDURES**

The development and review of procedures and other elements of the application of this Policy will be the responsibility of the Office of Students with Disabilities, in consultation with members of senior administration and other constituents, including students, as appropriate.

#### **PART VII – POLICY REVIEW**

The Policy shall be reviewed by the Deputy Provost every five years, with amendments to be reviewed by Senate.