

 BRANDON UNIVERSITY	Academic Accommodation for Students with Disabilities Policy	First Approved: <i>September 13, 2016</i>
Senate Policy	Approved by <i>Brandon University Senate</i> Administered by <i>President & Vice-Chancellor</i> <i>through:</i> <i>Vice-President (Academic & Provost), and</i> <i>Associate Vice-President (Student Services & Enrolment Management), and</i> <i>Student Accessibility Coordinator</i>	Updated: Reviewed:

This policy shall govern Brandon University as it supports and promotes the inclusion of students with disabilities by providing accommodation in the academic environment.

1.0 Scope

This policy applies to:

- All Brandon University undergraduate and graduate students (full-time, part-time), and all employees (full-time, part-time, casual, contract) who provide goods, services or facilities on behalf of the university.

2.0 Policy

2.1 Purpose of Policy

The purpose of this policy is to establish Brandon University’s commitment to providing appropriate academic accommodations for its students as required, based on the grounds protected by Manitoba’s provincial human rights law, *The Manitoba Human Rights Code*.

This policy will provide a clear outline of the obligations and responsibilities Brandon University is committed to fulfilling as well as to provide guidance for the implementation of this policy.

2.2 Statement of Intent

Brandon University recognizes the diversity of its students and is committed to providing a learning environment in which all members of the University community are treated in a fair and equitable manner while respecting the inherent dignity of all people. The University acknowledges its responsibility to remove barriers for its students in accordance with *The Accessibility for Manitobans Act*. Under this legislation, the Government of Manitoba has mandated that public sector organizations, such as universities, help remove barriers by providing a more encouraging and welcoming environment for all students, faculty, staff and visitors. By promoting inclusion and diversity, Brandon University will also achieve higher levels of accessibility.

2.3 Confidentiality

- 2.3.1 In accordance with relevant legislation and policies, including *The Manitoba Human Rights Code*, the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Act*, all personal information relating to disabilities of students is to remain confidential.

- 2.3.2 Brandon University has designated Student Accessibility Services as the office responsible for requesting, receiving, and retaining the medical or psychological information provided by students requesting accommodation.
- 2.3.3 Information about a student's disability, including the fact that a student has a disability, is only disclosed to those involved in the accommodation process on a need-to-know basis.

3.0 Definitions

- 3.1 **The Accessibility for Manitobans Act:** Under this legislation, the Government of Manitoba has mandated that public sector organizations, such as universities, help remove barriers by providing a more encouraging and welcoming environment for all students, faculty and staff.
- 3.2 **Manitoba Human Rights Code:** provincial legislation which prohibits unreasonable discrimination in areas such as employment, housing, accommodation, the provision of services or contracts, and signs and notices.
- 3.3 **Disability:** as defined in *The Accessibility for Manitobans Act (AMA)*, disabilities may include, but are not limited to, blindness or visual impairment, deafness or hearing impairment, intellectual or developmental disabilities, mental health issues and chronic illness. Disabilities can be temporary or permanent.
- 3.4 **Accommodation:** includes but not limited to, a modification of job duties, technical aids or devices, workstation modifications, employment practice modifications, building and accessibility modifications, communication services, and alternate support services.

In the academic environment, an accommodation refers to the process of making alteration(s) to the delivery of academic services and requirements to enable equitable participation. The academic accommodation of students experiencing disabilities involves activities such as making adjustments or alternative arrangements in the educational environment to ensure it does not have a discriminatory effect on a student because of the disabilities they may experience. Accommodations usually involve a revision to the way a student must demonstrate required skills and knowledge, or sometimes additional assistance for a student which does not detract from the skills and knowledge the student must acquire. The accommodation must not diminish the academic integrity or standards of the course or program.

- 3.5 **Reasonable Accommodation:** According to *The Manitoba Human Rights Code*, an accommodation is "reasonable" when an adequate process has taken place and the effort and measures taken are sufficient.

In the academic environment, this means the accommodation that would address an inequality towards a person with a disability and does not result in an unfair advantage over other students. A reasonable accommodation must not result in undue hardship on the University, and must not compromise a Bona Fide Academic Requirement (BFAR). The law requires that students experiencing disabilities must be provided reasonable accommodation, not perfect accommodation.

- 3.6 **Duty to accommodate:** The duty to reasonably accommodate is often described in human rights law as "accommodation short of undue hardship".
- 3.7 **Undue Hardship:** Undue hardship is defined as more than minimal hardship and must be based on actual evidence, not assumptions or prejudices. While financial implications tend to be a contributing factor in determining undue hardship, *The Manitoba Human Rights*

Commission considers the nature, size and scope of an organization when determining if undue hardship is valid.

- 3.8 Barrier:** an obstacle or circumstance that inhibits or prevents someone from being able to perform their duties. Barriers can be attitudinal, communication, informational, technological, systemic or physical.
- 3.9 Discrimination:** treating someone differently, to their disadvantage and without a valid reason or failing to take steps to accommodate special needs that are based on the characteristics covered under *The Code*.
- 3.10 Systemic discrimination:** Systemic discrimination has been defined as “practices or attitudes that have, whether by design or impact, the effect of limiting an individual’s or a group’s right to the opportunities generally available because of attributed rather than actual characteristics.”
- 3.11 Bona fide academic requirement (BFAR):** the knowledge and skills that a student must acquire in order to complete a course or program successfully. These are the essential and minimum requirements, including methods of assessment that the student must meet.
- 3.12 Student Accessibility Services:** The Brandon University office with delegated authority to assist the University in discharging its legal and moral duty to provide academic accommodation and to create an accessible learning environment that encourages full participation in academic courses for students experiencing disabilities. Student Accessibility Services works with students, faculty and/or instructional staff and other university personnel to develop appropriate accommodations for students who experience disabilities in the post-secondary environment.
- 3.13 Accommodation Agreement:** the arrangement, facilitated by Student Accessibility Services, made between Brandon University and the student that:
- a) Specifies the recommended accommodation(s) to be provided by Brandon University for the student; and
 - b) Authorizes the release of information to appropriate individuals when necessary.

4.0 Accountability

The Associate Vice-President Student Services & Enrollment Management & University Registrar, or designate is responsible for the communication, administration and interpretation of this policy. The Vice-President (Academic & Provost) supports the communication, administration and interpretation of this policy.

The Vice-President (Academic & Provost) is responsible for advising the President and Vice-Chancellor that a formal review of this policy and secondary documents is required.

The Student Accessibility Services Coordinator is a point of contact for reference and advice.

All Students and Employees are responsible for complying with this Policy.

5.0 Secondary Documents

The Associate Vice-President Student Services & Enrollment Management & University Registrar or designate may approve procedures which are secondary to and comply with this policy.

6.0 Review

- 6.1 Formal review of the policy will be conducted every three (3) years. The next scheduled review date for this policy is January 2020 or earlier when there are significant changes in the related legislation.
- 6.2 In the interim, this policy may be revised or rescinded if the Senate/Board of Governors deems necessary or if there are changes within legislation which require such changes.
- 6.3 If this policy is revised or rescinded, all secondary documents will be reviewed as soon as reasonably possible to ensure that they:
 - 6.3.1 Comply with the revised policy; or
 - 6.3.2 Are in turn rescinded.

7.0 Previous Policies

- 7.1 This policy supersedes all previous Board/Senate policies on the subject matter herein; and
- 7.2 All previous administration policies on the subject matter contained herein.

8.0 Cross Reference

8.1 Sources

- 8.1.1 Manitoba Human Rights Commission
<http://www.manitobahumanrights.ca/index.html>
- 8.1.2 Manitoba Human Rights Code
<http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>
- 8.1.3 The Accessibility for Manitobans Act
http://www.accessibilitymb.ca/pdf/accessibility_for_manitobans_act.pdf
- 8.1.4 Disability Issues Office <http://www.gov.mb.ca/dio/>
- 8.1.5 Personal Information Protection and Electronic Documents Act (PIPEDA)
https://www.priv.gc.ca/leg_c/leg_c_p_e.asp
- 8.1.6 Freedom of Information and Protection of Privacy Act (FIPPA)
http://www.gov.mb.ca/chc/fippa/public_bodies/index.html
- 8.1.7 Personal Health Information Act (PHIA)
<http://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php>
- 8.1.8 Ryerson University
- 8.1.9 McMaster University
- 8.1.10 Carleton University
- 8.1.11 University of Manitoba
- 8.1.12 Mount Royal University

8.2 Documents

- 8.2.1 *Brandon University Accessibility Policy*
- 8.2.2 *Brandon University Academic Accommodation for Students with Disabilities Procedures*
- 8.2.3 *Brandon University Academic Accommodation for Students with Disabilities Appeal Procedure*